

STATEMENT OF COMMISSIONER MARY L. AZCUEENAGA  
CONCURRING IN PART AND DISSENTING IN PART  
in The Stop & Shop Companies, Inc., File No. 951-0086

I concur in the Commission's decision to accept a proposed consent order for public comment to the extent that the order requires divestiture of supermarkets on Cape Cod and the South Shore, but dissent to the extent that the order requires divestiture of stores in the Boston metropolitan area. Although serious questions can be raised about some of the allegations in the complaint that relate to the product market, I find reason to believe that the law has been violated even if the product market includes sales of food and groceries in stores other than traditional supermarkets. Assuming either the product market alleged in the complaint or a broader product market, I concur in the decision to accept the order as to Cape Cod and South Shore. I dissent from the decision to require divestiture of stores in the Boston metropolitan area. Although a small geographic market theoretically may exist within a broad metropolitan area, at this time the record before the Commission does not contain sufficient evidence to support a finding of reason to believe that the communities of Saugus, Medford, Brookline, Roslindale, Watertown,

Weymouth, Brockton and Bedford, Massachusetts are relevant  
antitrust markets.