

(b) discussed and exchanged information about the future pricing plans of other competitors.

DEFENDANT AND CO-CONSPIRATORS

5. The defendant is a Delaware corporation headquartered in Atlanta, Georgia. It is engaged in the distribution and sale of ammonium nitrate in western Pennsylvania and elsewhere.

6. Various persons and firms, not made defendants in this Information, participated as co-conspirators in the charged combination and conspiracy, and performed acts and made statements in furtherance of it.

7. Whenever this Information refers to any act, deed or transaction of any corporation, it means that the corporation engaged in the act, deed or transaction by or through its officers, directors, agents, employees or other representatives while they were actively engaged in the management, direction, control or transaction of its business or affairs.

TRADE AND COMMERCE

8. Ammonium nitrate is a raw material used in the manufacture of certain kinds of explosives, including ANFO (ammonium nitrate combined with fuel oil).

9. During the period covered by this Information, the defendant and co-conspirators sold and distributed ammonium nitrate in Pennsylvania that was manufactured outside of that state. This ammonium nitrate was shipped in a continuous and uninterrupted flow of interstate commerce from their places of manufacture to customers located in Pennsylvania.

10. The activities of the defendant and co-conspirators that are the subject of this Information were within the flow of, and substantially affected, interstate trade and commerce.

JURISDICTION AND VENUE

11. The combination and conspiracy charged in this Information was carried out, in part, within the Western District of Pennsylvania within the five years preceding the filing of this Information.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

Dated:

_____/s/_____
JOEL I. KLEIN
Acting Assistant Attorney General

_____/s/_____
NANCY H. McMILLEN
Rhode Island Bar No. 1094

_____/s/_____
GARY R. SPRATLING
Deputy Assistant Attorney General

_____/s/_____
ARNOLD C. CELNICKER
Georgia Bar No. 118050

_____/s/_____
ANTHONY V. NANNI
Chief, Litigation I Section
Antitrust Division

_____/s/_____
TERRENCE F. McDONALD
Texas Bar No. 13559525

_____/s/_____
FREDERICK W. THIEMAN
United States Attorney

_____/s/_____
KATHERINE A. SCHLECH
Virginia Bar No. 17947

Attorneys
Antitrust Division
U.S. Department of Justice
1401 H Street, N.W. Suite 3700
Washington, D.C. 20530
(202) 514-2474