Torres Rojas, Genara FOI#13112

From: christi_crowley@timeinc.com
Sent: Monday, April 09, 2012 2:29 PM
To: Duffy, Daniel
Cc: Torres Rojas, Genara; Van Duyne, Sheree
Subject: Freedom of Information Online Request Form

Information:

First Name: Christi
Last Name: Crowley
Company: Time Warner Retail
Mailing Address 1: 305 Veterans Circle
Mailing Address 2:
City: Wallkill
State: NY
Zip Code: 12589
Email Address: christi_crowley@timeinc.com
Phone: 8458959858
Required copies of the records: Yes

List of specific record(s):
Newsstand retailer restrictions by PANYNJ regarding street Pricing at Newark Airport, JFK AIrport and LaGuardia Airport. This information may be outlined in the last airport concessions RFP sent out at all above airports.

THE PORT AUTHORITY OF NY & NJ

Daniel D. Duffy
FOI Administrator

August 6, 2012

Ms. Christi Crowley
Time Warner Retailer
305 Veterans Circle
Wallkill, NY 12589

Re: Freedom of Information Reference No. 13112

Dear Ms. Crowley:

This is a response to your April 9, 2012 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code") for copies of records related to the newsstand retailer restriction for street pricing at EWR, JFK and LGA.

Material responsive to your request and available under the Code can be found on the Port Authority's website at http://www.panynj.gov/corporate-information/foi/129772-O.pdf. Paper copies of the available records are available upon request.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,

Daniel D. Duffy
FOI Administrator

225 Park Avenue South
New York, , NY 10003
T: 212 435 3642 F: 212 435 7555

"The Permittee shall comply with the Port Authority Aviation Department Street Pricing Policy. In connection therewith, the Permittee shall not charge prices to its customers in excess of "Street Prices", which for purposes of this Permit is defined as follows:

- 1. If the Permittee conducts a similar business to the business operation permitted under this Permit in off-airport location(s) in the Greater New York City-Northern New Jersey Metropolitan Area (herein referred to as (the Metro Area"), "Street Prices" shall mean the average price regularly charged by the Permittee for the same or similar item in such Metro Area location.

- 2. If the Permittee does not conduct a similar business to the business operation permitted under this Permit in off-airport location(s) in the Metro Area, "Street Prices" shall mean the average price regularly charged by the Permittee or similar retailers for the same or similar item in any other geographic area, with a reasonable adjustment for any cost of living variance between such area and the Metro Area.

- 3. If neither the Permitee nor other similar retailers sell a particular item in the Metro Area, "Street Prices" shall mean the average price regularly charged by the Permittee or similar retailers for the same or similar item in any other geographic area, with a reasonable adjustment for any cost of living variance between such area and the Metro Area.

The Permitee's breach of the aforesaid Street Pricing Policy shall be deemed a material breach of the Permittee's obligations under this Permit.

The Permittee shall post in each sales area (including any temporary sales space) a notice in form and substance satisfactory to the Port Authority notifying the public that the Permittee subscribes to "Street Pricing Policy", such notice to be clearly visible and unobstructed. If the Permittee charges any price to a customer in excess of the price which would satisfy the "Street Pricing Policy" in violation of its obligations under this Permit, the amount of such excess shall constitute an overcharge which, shall upon demand by the Port Authority or the Permittee's customer, be promptly refunded to the customer."

The Lessee shall comply with the Port Authority Aviation Department Street Pricing Policy. In connection therewith, the Lessee shall not charge prices to its customers in excess of "**Street Prices**", which for purposes of this Agreement is defined as follows:

(1) If the Lessee conducts a similar business to the business operation permitted under this Agreement in off-Airport location(s) in the Greater New York City – Northern New Jersey Metropolitan Area (herein referred to as the "**Metro Area**"), "**Street Prices**" shall mean the average price regularly charged by the Lessee for the same or similar item in such Metro Area location;

(2) If the Lessee does not conduct a similar business to the business operation permitted under this Agreement in off-Airport location(s) in the Metro Area, "**Street Prices**" shall mean the average price regularly charged in the Metro Area by similar retailers for the same or similar item; and

(3) If neither the Lessee nor other similar retailers sell a particular item in the Metro Area, "**Street Prices**" shall mean the average price regularly charged by the Lessee or similar retailers for the same or similar item in any other geographic area, with a reasonable adjustment for any cost of living variance between such area and the Metro Area.

(4) If the Lessee is engaged in the business of selling duty-free goods, "**Street Prices**" shall mean the price regularly charged by the Lessee or similar retailer for the same or similar duty-free item at other urban airports in the Northeast region of the United States, including but not limited to John F. Kennedy International Airport, New York, New York.

For purposes of clarification, for purposes of this *Section 13(c)*, Metro Area shall have the same meaning as "**Port of New York District**".

The Lessee's breach of the aforesaid Street Pricing policy shall be deemed a material breach of the Lessee's obligations under this Agreement.