

Could dramatic increase in gas prices be considered gouging?

Dear Attorney General Kline:
Even though gas prices have dropped a little bit this past week, I still go into shock every time I pull up to the gas station. Wouldn't the dramatic increase in gas prices over the past few months be considered price gouging? And, if so, why can't someone do something about it?

Dear Kansas Consumer:
Thank you for your question. It's one our office, and Attorneys General across the nation, are hearing more and more.

The Kansas Consumer Protection Act provides broad protections against unconscionable pricing in general, not just for gasoline. An "unconscionable" price is, in sim-

Phill Kline

• Consumer Corner

plest terms, a price that is far beyond what the current market conditions would justify.

You may recall that this office took action against many gasoline retailers following the immediate and radical price increases that occurred in the wake of the terrorist attacks on September 11, 2001. While the amount of price increase under those circumstances was less than what had historically been viewed by Kansas courts as "uncon-

scionable", the special circumstances of that event justified our position.

Thus, Kansas consumers should be assured that this office is prepared to litigate cases in which we believe sudden gasoline price jumps constitute "unconscionable" increases.

But consumers also have to be aware that, in normal market conditions, fluctuations of ten, twenty or even thirty percent, can frequently be justified depending on the market conditions, even when those factors are not readily apparent to the public.

Gasoline prices are among the most volatile of prices in our economy, so when the price changes,

we all tend to notice it.

But, like almost all goods, the price of gasoline fluctuates for a number of reasons. Seasonal driving habits affect gasoline prices, weather patterns alter demand, while refinery fires, strikes in OPEC countries, the possibility of military action in the Middle East and similar world problems affect supply, causing the price of crude oil to increase, and thus, in time, changing the price consumers pay at the pump.

In the everyday retail sale of petroleum products that means it is unlikely any violation of Kansas law will be triggered until a station's price per gallon grossly exceeds the price that the same product is readily available in similar markets. If there is evidence that a supplier has artificially increased their selling price a significant amount beyond what other suppliers in the market are charging for the same product, then there is a basis to question what factors could justify that change. If the supplier cannot

demonstrate a legal basis for the substantial difference, then the Consumer Protection Act's prohibitions (and possible penalties) may be applied.

The law of price unconscionability exists to remedy true price gouging, not to regulate supply-driven fluctuations or to fix gas prices at that price which we would all prefer to be paying.

The philosophy behind this type of rule is that, in America, we rely and trust that the law of supply and demand acts as a force to keep companies competitive and results in a price that the market will accept. Thus, nothing in the law attempts to set the market price but does provide a means to punish those who act with the intent of defrauding or abusing the public trust.

If you are aware of a station selling at a price well exceeding similarly situated suppliers, or a situation in which all stations double their prices in a short amount of time, or have inside knowledge about a significant rise in retail

prices without a commensurate rise in bulk pricing, then please inform the Consumer Protection Division of the Office of the Attorney General by calling 1-800-432-2310 or visiting our website at www.ksag.org.

We have prepared an unconscionable pricing program designed to confront merchants who take engage in unconscionable acts in the face of market shortages, and will use that program to take enforcement action in the future, just as we have done in the past.

Editor's note: Attorney General Phill Kline offers this public service to help people avoid becoming victims of consumer fraud. Although some of the details have been changes, the cases appearing in this column are based on actual complaints. For information or to file a complaint, write Attorney General Phill Kline, Consumer Protection Division, 120 SW 10th Ave., 2nd Floor, Topeka, Kan. 66612, or call the toll-free Consumer Hotline, 1-800-432-2310.

All state offices to close Friday

Gov. Kathleen Sebelius will join other governors from around the country to attend President Ronald Reagan's funeral service at Washington National Cathedral, Friday at 11:30 a.m.(EDT).
"It is an honor to attend and pay

respects on behalf of the people of Kansas," Sebelius said.

The governor also issued an executive order today proclaiming Friday as a legal holiday in observance of the National Day of Mourning for Reagan.

Museum to open many exhibits during Chautauqua

Several exhibits accompany a visit to the Prairie Museum of Art and History during Kansas Chautauqua: Bleeding Kansas, Where the Civil War Began starting Thursday and continuing through Tuesday.

"Colby is hosting Chautauqua starting with a watermelon feed and tent raising at the museu tonight at 7 p.m.," said Judy Kleinsorge, Local Youth Chautauqua Coordinator.

Workshops begin at 10 a.m. at the museum on Friday are also scheduled at Pioneer Memorial Library, Colby College Fireside Lounge, Starbucks, Fick Museum in Oakley and at Fike Park during Prairie Heritage Festival on Saturday.

Each evening starting at 7 p.m. there is a performance by a member of the Chautauqua troop. Characters are John Brown, Frederick Douglas, Abraham Lincoln, Stephen Douglas, Clarina Nichols and David Atchison. To learn more about these characters of Kansas History, come to the Prairie Museum of Art and History, June 11-15. Children's activities start in the Kid-tauqua tent at 5 p.m. and concessions will be available 5-7 p.m.

First Blood: Kansas Prelude to Civil War

This exhibit examines the Bleeding Kansas period. It focuses on well-known politicians such as Stephen Douglas and Abraham Lincoln to unsung heroes including Silas Soule, who tried to rescue John Brown from prison, and Susan Lowe Wattles, who sheltered many radical abolitionists. First Blood also will introduce people who might be considered villains such as George Washington Clark, who murdered free-state advocate Thomas Barber, and John Calhoun, a state surveyor who tried to steal an election. First Blood will only be on exhibit in Colby during the Kansas Chautauqua, Thursday, Friday, Saturday, Sunday, Monday and Tuesday.

Brown vs. Board of Education, In Pursuit of Freedom and Equality

In 1954, the Supreme Court ruling in Brown vs. Topeka Board of Education finally ended school segregation across America. Today, few people realize that African Americans in Kansas fought segregation as early as 1880, nearly a century before the Brown victory. This striking exhibit explores the historic struggle for equality through education, placing the Brown case in the context of earlier Kansas lawsuits, opposition to "Jim Crow" laws, and national events. This will be on exhibit at the Prairie Museum through Wednesday, July 7.

Reflections on the War: Women and Their Civil War Quilts

Turbulent times in Kansas are captured in this intriguing exhibit on Civil War era quilts and textiles. This exhibit explores Kansas women's role in protesting the injustices of slavery, aiding those running from slavery on the underground railroad, nursing the sick and wounded during the war, and later raising funds to purchase monuments to heroes of the conflict. This will be on exhibit at the Prairie Museum through July 7, 2004.

What's in a Name: From the Civil War When Thomas County was officially organized in 1885, the townships were named by Governor John A. Martin for Kansas soldiers who were killed in the Battle of Chickamauga under General Thomas, and they were; Wendell,

Randall, Rovohl, Morgan, Barrett and Hale. As the town of Colby was laid out, some streets were named for battles and towns where Thomas fought: Chickamauga, Mission Ridge, Franklin and Nashville. In fact, for a short time, there was even some talk about changing the name of the town from Colby to Chickamauga. To find out more about these brave Civil War soldiers, see the exhibit at the Prairie Museum of Art and History.

Time Passages, Out Where the Buffalo Roam The High Plains

As Kansas became a territory in 1854, the high plains had already been the home to the Native Americans for thousands of years. The earliest recorded European explorers were the Spanish, whose expeditions reached the Great Plains in the 1541. In the early 1700s, other Europeans, particularly the French, were trading with the Native Americans. Acquisition of the Louisiana Territory stimulated exploration by both the U.S. military explorers and the individual trappers and traders. Explorers journeyed back and forth across the plains as more of the West was investigated. Soon, individuals began to travel the Oregon and Santa Fe Trails. Military forts were built to maintain peace among the tribes and between Native Americans and emigrants. The plains were transformed rapidly between 1700 and 1850 and between 1820 and mid-1850s the population doubled on the central high plains. To find out more about the High Plains visit the Prairie Museum of Art and History.

Kansas Chautauqua: Bleeding Kansas, Where the Civil War Began

In 1854, the Kansas-Nebraska Act opened the territory for white settlement and gave settlers the right to vote on whether the Kansas Territory would enter the Union as a free or slave state. The eyes of the nation turned to Kansas, and the territory became the first battleground for the issues and ideas that eventually engulfed the nation. The state motto "Ad Astra Per Aspera" aptly describes the seven-year struggle that led to Kansas entering the Union as a free state in January 1861.

The 150th anniversary provides opportunity for deeper and broader interpretation of that turbulent and important period. Kansans—young and old—can become more familiar with the events of the period, learning how the conflict affected the lives of ordinary settlers, politicians, slaves, and Native Americans.

The festival of learning, Kansas Chautauqua, commemorates the turbulent years of the Kansas Territory when the eyes of the nation turned to Kansas. Chautauqua week in Colby, starting Thursday through next Tuesday brings an opportunity for northwest Kansans to learn and be a part of the celebration of 150 years as a territory.

As part of Chautauqua, the scholars conduct 14 adult and youth workshops. Youth Camps and programs will be held at the museum in addition to the scholars programs. For information call Leilani Thomas, Local Kansas Chautauqua Coordinator, at the Colby Convention and Visitors Bureau at 460-7643 or Sue Taylor, director, at the Prairie Museum of Art and History or Kleinsorge at (785) 462-4590. Visit the Kansas Humanities website for a complete schedule of events at www.kansashumanities.org.

In accordance with the order, all state offices will be closed Friday, she said.

State offices will reopen at regular hours on Monday.

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