

August 22, 2010

Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue N.W.  
Washington, DC 20580

Re: FTC File #101-007  
Tops Markets Divestiture of Penn Traffic Stores

Dear Sirs:

Please note that this letter concerns the Quality Market located on Rochester Rd. (Rt.31) in Lockport, NY and has no relation to the other Penn Traffic stores included in ruling #101-007.

Local publicity concerning the closing primarily cited the distance between the Tops Market on South Transit Rd. (Rt. 78), The Quality Market on Rt. 31 and the Tops Market at Wrights Corners (also Rt.78). Let me suggest that rather than basing decisions on distance, your staff might look at populations served, or catchment areas.

The South Transit Rd. Tops, which incidentally is not owned by Tops, is positioned to serve the heavy commuter traffic of Lockport people who work in Amherst and Buffalo. Its size and products offered reflect that clientele. The vast size of that potential customer area might be measured by the fact that Walmart has acquired land to build a "super store" within eyesight of that Top and the Aldie store to the north.

The Wrights Corners Tops serves an entirely rural clientele centered on a short north/south section of Rt. 78 but more on families and farms along Rt. 104 to the east and west. There is also a very good Budway store less than 10 miles to the north.

The Quality Market represents a much different looking catchment area. If one looks at a map it becomes clear that the natural defining boundaries would be Rt. 31 and Rt. 77 leading east and southeast respectively. One might also use the Erie Canal as a northern border. That view shows that Quality Market, in addition to serving a portion of the Town of Lockport also serves the hamlet of Gasport (population 1248) and the village of Middleport (population 1917) both in the town of Royalton (population 7710). Middleport has small "convenience store. The nearest full service store for those communities is in Medina in Orleans County. Obviously the Canal does not block customers who live to its north in the town of Hartland (population 4165), many of whom work in the Lockport area, from shopping at Quality. Also please note that Lockport in the center of medical care for the entire area and the Quality Pharmacy is especially popular.

One added consideration: much has been made of distance between facilities. Those miles may look short in summer driving but in winter in Western New York they become much longer, in part due the often-impassable north/south secondary roads.

I ask that you consider these points in any appeal.

Sincerely,

Lawrence A. Cappiello