



Office of the Secretary

United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

August 11, 2014

Franklin Jack Burr II
New Jersey

RE: *In the Matter of Service Corporation International and Stewart Enterprises, Inc.*,
Docket No. C-4423

Dear Mr. Burr:

Thank you for the comment, which you submitted electronically on June 2, 2014, in connection with Service Corporation International's ("SCI") Petition for Approval of Proposed Divestiture to NorthStar Memorial Group LLC ("NorthStar"), filed on May 7, 2014. The Commission has placed your comment on the public record and has given it careful consideration.

When considering whether to approve a petition for approval of divestiture, the Commission analyzes all of the information available to it against the goal of restoring competition. This is determined through evaluation of the proposed buyer's financial and competitive viability, and whether the proposed buyer will likely remedy the competitive concerns alleged in the Commission's complaint in the relevant markets. The Commission will also consider whether the divestiture might raise new competitive concerns in any market.

As we understand your comment, you make two assertions that may be relevant to SCI's proposal to divest to NorthStar. The first is that NorthStar's chief executive officer serves on SCI's board of directors and the second is that SCI may not own rights to the fictitious business name of a funeral home to be divested. Further review of the proposed divestiture and other information confirms that NorthStar's chief executive office is not a member of SCI's board of directors. Our review also confirms that SCI does indeed own the rights to the fictitious business name in question and we expect those rights to be divested along with the other assets of the funeral home as required by the Commission's Decision and Order ("Order").

The Commission also reviewed NorthStar's ability to manage and operate funeral home and cemetery businesses as well as its financial resources. After consideration of these factors, as well as consideration of your comment, the Commission has determined to approve the proposed divestiture.

In addition, your comment also makes a number of other points that are not relevant to SCI's petition. First, you imply that the Commission should have blocked SCI's acquisition of

Stewart in the first place. The Commission determined, however, that the acquisition violated antitrust law in only a limited number of the overall markets in which SCI and Stewart operated. Under such circumstances and given the nature of the businesses involved, the Commission also determined that divestiture of assets in the relevant markets would adequately remedy the violation, rather than acting to block the entire transaction.

Second, you claim that the Order does not protect the Jewish community in connection with SCI's acquisition of Stewart assets in the DC Metro/Maryland market. The Commission considered this issue, including the comments received when the Commission placed the consent agreement on the public record, and determined to issue the Order without modification. Both the Jewish Funeral Practices Committee of Greater Washington and the Jewish Community Relations Council of Greater Washington, who commented on the consent agreement, support the remedy.

Third, some of the specific objections mentioned in your comment appear to stem from an unfortunate family dispute over the disposition of your father's remains. Such a dispute cannot be resolved by the Commission, and must be resolved by the family members or other interested parties. You also express concern that the sale to NorthStar would involve an illegal sale of a body and that NorthStar may be left with potential liability to your family. The buying and selling of funeral homes does not, however, constitute the illegal sale of bodies, and the question of any liability, and indemnification, is a matter for resolution by the buyer and seller.

Finally, your comment also claims that SCI charges high prices and may have engaged in price-fixing. In addition, you assert that SCI has violated the Commission's Funeral Rule, illegally acquired another company, operated a business without a properly registered fictitious business name, and colluded with others to cover up your father's death by foul play. With respect to the practices listed in your comment that fall within the purview of the Commission's authority, your comment will be treated as a complaint. If we need further information about these, we will contact you.¹

It helps the Commission's analysis to hear from a variety of sources in its work on anti-trust and consumer protection issues, and we appreciate your interest in this matter.

By direction of the Commission.

Donald S. Clark
Secretary

¹ We understand that you have already been in contact with state and local authorities with respect to the other actions that you allege.