



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

August 5, 2004

Philip Heavner, M.D., F.A.A.P.
BCA Medical Associates
813 N. Washington Avenue
Roswell, NM 88201

Re: *Southeastern New Mexico Physicians IPA, Inc., et al., FTC File No. 0310134*

Dear Dr. Heavner:

Thank you for your comments regarding the proposed consent order accepted by the Federal Trade Commission for public comment in the above-captioned matter. Your letter indicates that you disagree with the characterization of facts in the press release publicizing the consent order. Further, you take issue with the fact that the Commission staff did not take oral testimony from Southeastern New Mexico Physicians IPA, Inc. ("SENM"), officials during its investigation. The Commission has reviewed your comments in connection with its decision concerning whether to accord final approval to the proposed consent order, and has also placed your comments on the public record.

It should be noted that the press release simply summarizes allegations included in the proposed complaint accompanying the consent order. These allegations were based on evidence obtained during the investigation of this matter, including staff interviews, data and documents from a number of market participants, and documents from SENM. The Commission staff suspended plans to request oral testimony from SENM officials, and agreed with SENM's counsel to enter into settlement negotiations, only after a thorough review of the evidence it already received.

After appropriate consideration of your comments, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order is enclosed for your information. Relevant materials also are available from the Commission's website at <http://www.ftc.gov>.

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

By direction of the Commission.

C. Landis Plummer
Acting Secretary