



Office of the Secretary

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

November 6, 2012

The Honorable Pedro R. Pierluisi
United States House of Representatives
Washington, D.C. 20515

Re: *In the Matter of Cooperativa de Farmacias Puertorriqueñas ("Coopharma")*
FTC File No. 101 0079, Docket No. C-4374

Dear Resident Commissioner Pierluisi:

Thank you for your comment regarding the proposed consent order involving the Cooperativa De Farmacias Puertorriquenas ("Coopharma"). The Commission has reviewed your comment in connection with its decision whether to give final approval to the proposed consent order and has placed the comment on the public record.

Your comment expresses the view that the Commission should revise its proposed order in the event that "appropriate laws and regulations" are enacted to permit Puerto Rico's cooperatives regulatory agency, COSSEC, to oversee provider collective bargaining with insurers.

After considering your comment, the Commission has determined that the public interest would be served best by issuing the decision and order, which I am enclosing for your information. This action is consistent with the Commission's belief that Coopharma's conduct has likely harmed competition, and that state action immunity does not apply to the conduct challenged in the complaint. Should conditions change in the future, however, including enactment of the type of laws and regulations referenced in your comment, Coopharma may file a request with the Commission to reopen and modify the order. *See* 16 C.F.R. § 2.51. The Commission will consider the merits of such a request at that time.¹

The Commission appreciates your interest in this matter.

By direction of the Commission.

Donald S. Clark
Secretary of the Commission

Enclosure

¹This letter should not be construed to suggest that the Commission would necessarily agree to such a request.