

[REDACTED]

August 5, 1983

Re: [REDACTED]

Control-
Hart-Scott-Rodino Amendment

Wayne Kaplan, Esq.
Premerger Notification Office
Room 301
Federal Trade Commission
Seventh & Pennsylvania Avenues, N.W.
Washington, DC 20580

Dear Mr. Kaplan:

By letter dated July 14, 1983, a copy of which is attached, we confirmed our earlier telephone conversation with you concerning the applicability of the Hart-Scott-Rodino Amendment to the proposed transaction involving interstate motor common carriers over which the ICC has jurisdiction.

You subsequently advised our office that the conclusions set forth in that letter were accurate and that assuming that the ICC either exempts the transaction or approves the transaction, the antitrust exemption set forth in 49 U.S.C. §11341(a) will be applicable and it will not be necessary to comply with the notification and waiting period requirements of the Hart-Scott-Rodino Amendment contained at 15 U.S.C. §18a. At the same time, you suggested that a copy of the petition for exemption filed with the ICC be forwarded to your commission so that you will have knowledge of the actual parties involved and have the case assigned a docket number in the event any inquiries are received concerning the transaction. We understand that the receipt and docketing of the petition would avoid the issuance of a compliance letter to the parties.

Wayne Kaplan, Esq.
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Accordingly, we are delivering to you a complete copy of the petition for exemption which was filed with the ICC on [REDACTED] and which has been assigned [REDACTED]

We understand that the sole purpose for submitting the petition is to avoid the delays that may be involved in the issuance of a compliance letter and that if the ICC issues its order granting the exemption or approving the acquisition, the conclusions set forth in the attached letter will become operative and the FTC will then remove the case from its active files.

As soon as we receive the Commission's order, we shall forward a copy to you.

In the meantime, we ask that you acknowledge receipt of the enclosed and advise us of the docket number assigned to the proceeding.

We appreciate your continued cooperation.

Sincerely yours,

[REDACTED]

[REDACTED]

Enclosures

[REDACTED]