



Office of the Secretary

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

May 23, 2012

Thomas Buckelew
Commonwealth of Pennsylvania

Re: *In the Matter of Fresenius Medical Care AG & Co. KGaA,*
File No. 111-0170, Docket No. C-4348

Thank you for your comments regarding the proposed consent order accepted by the Federal Trade Commission for public comment in the above-captioned matter. As we understand your comment, you have concerns about Fresenius opening a dialysis clinic near an existing Liberty clinic. The Commission has reviewed your comments in connection with its decision concerning whether to accord final approval to the proposed consent order.

The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and it has been given careful consideration. The investigation examined all of the markets in which the transaction was likely to have a competitive impact, including the area surrounding Uniontown, Pennsylvania. Because that market is highly concentrated and the parties taken together account for all of that market, the proposed consent order requires the Respondent Fresenius to divest the RAI Dialysis Center to Dialysis Newco, Inc. The proposed consent also prohibits Fresenius from acquiring any financial interest in a dialysis center located within certain defined areas for five years but does not prohibit Fresenius from lawfully competing with dialysis centers in any market, including by opening new clinics. In light of these considerations, among others, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form. 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, Commissioner Ohlhausen not participating.

Donald S. Clark
Secretary