

4(c)

Verne, B. Michael

To: [Redacted]
Subject: RE: 4(c)

-----Original Message-----

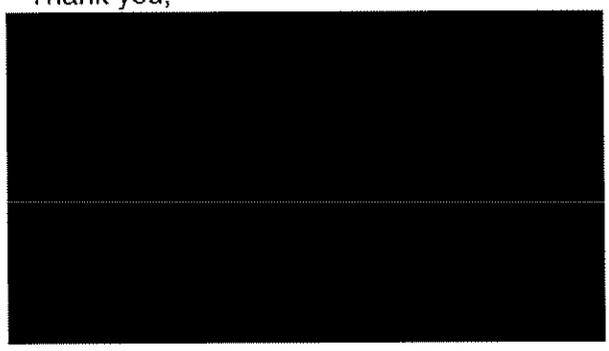
From: [Redacted]
Sent: Friday, October 06, 2006 9:39 AM
To: Verne, B. Michael
Subject: 4(c)

Mike,

In the article by Marian Bruno, Brian Mohr and Bruce Prager ("Locating and Identifying Item 4(c) Documents," Antitrust Magazine, Spring, 2002), the authors state that "filings (and drafts thereof) made with federal or foreign agencies, such as the Federal Energy Regulatory Commission or the Brazilian Competition Authority, that discuss competitive conditions in various markets where the combined company will operate are not responsive to Item 4(c).]" (page 49.)

My question is whether filings (and drafts thereof) made with state regulatory agencies are similarly exempt, or whether such filings and drafts must be filed as 4(c) documents with the HSR Form, if such documents have 4(c) content.

Thank you,



FILINGS WITH STATE
REGULATORY AGENCIES
ARE ALSO NOT 4(c)

B. Michael
10/6/06

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