

802.2

Verne, B. Michael

From: [REDACTED]
Sent: Monday, October 09, 2006 8:51 PM
To: Verne, B. Michael
Subject: § 802.2(c) - Unproductive Property Exemption

Hi Mike,

A couple of informal opinions (<http://www.ftc.gov/bc/hsr/informal/opinions/0603026.htm> <<http://www.ftc.gov/bc/hsr/informal/opinions/0603026.htm>> and <http://www.ftc.gov/bc/hsr/informal/opinions/9906010.htm> <<http://www.ftc.gov/bc/hsr/informal/opinions/9906010.htm>>) indicate that when determining whether parcels of real estate are contiguous for purposes of applying § 802.2(c)(1), that property separated by a road will be treated as two separate parcels for purposes of the \$5 million revenue test and the revenues of the two separate parcels need not be aggregated. Must the road be a government or public road or of any given size?



MUST BE PUBLIC ROAD.
Beneish
10/10/06

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