

March 26, 1986

Wayne Kaplan, Esquire  
Premerger Notification Office  
Bureau of Competition  
Room 301  
Federal Trade Commission  
Washington, D.C. 20580

Re: File No. 86-0866

This material may be subject to  
the provisions of the  
Freedom of Information Act  
which may require the  
release of information.

Dear Wayne:

I want to report to you the results of my investigation into your delayed receipt of the revision to the above referenced filing.

As I reported to you over the phone today, ~~Airborne's~~ records show that someone named "Backstrom" at the FTC signed for the package at 11:05 AM on March 25, 1986. I understand that this filing did not arrive at the Premerger Office until the morning of March 26, 1986. I checked again with Airborne to determine why their delivery person did not deliver the package directly to the Premerger Office. Airborne investigated and reported back that their delivery person attempted to deliver the package directly to your office, but was denied access to the FTC Building.

Under these circumstances, I believe we are entitled to a March 25, 1986 effective date on our filing. I believe this situation points out that there is a problem in the Commission's procedures--regardless of the access issue, a

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Commission employee who signs for a package should deliver that package promptly to the specific addressee. I am sure that the Commission would take the position that service of a document on [redacted] occurred on the date someone in our mail room signed for the document (regardless of whether the addressee actually received the document on that date)--I expect only the same treatment from the Commission.

Despite this problem, your prompt attention to our filing and your assistance in enabling us to correct promptly what you perceived to be a deficiency is very much appreciated.

Sincerely,

[redacted]  
[redacted]  
[redacted]

I called [redacted] & explained  
that we cannot accept  
delivery except in an office  
Rm 303.  
W.K. 3/31/86