[PUBLIC]

Prior to the hearing of this matter, NTSP will attempt to gain permission from the payors to use Restricted Confidential—Attorneys' Eyes Only documents with experts, employees of the payor that produced the document, and any other persons who had access to the document if the document so indicates. BCBS has provided such permission. Based on the actions of the payors

The payors have now filed their motions for in camera treatment. Although NTSP questions whether the broad range of documents for which the payors seek in camera treatment actually meet the standard, NTSP has no evidentiary basis to contest the multitude of documents for which in camera treatment is sought.

Respectfully submitted,

\_\_\_\_\_

Gregory S. C. Huffman William M. Katz, Jr. Gregory D. Binns

THOMPSON & KNIGHT LLP 1700 Pacific Avenue, Suite 3300 Dallas TX 75201-4693 214.969.1700 214.969.1751 - Fax

## CERTIFICATE OF SERVICE

I, Gregory D. Binns, hereby certify that on April 17, 2004, I caused a copy of the foregoing to be served upon the following persons:

Michael Bloom (via Federal Express and e-mail) Senior Counsel Federal Trade Commission Northeast Region One Bowling Green, Suite 318 New York, NY 10004

Barbara Anthony (via certified mail)
Director
Federal Trade Commission
Northeast Region
One Bowling Green, Suite 318
New York, NY 10004

Hon. D. Michael Chappell (2 copies via Federal Express) Administrative Law Judge Federal Trade Commission Room H-104 600 Pennsylvania Avenue NW Washington, D.C. 20580

Office of the Secretary (via Federal Express)
Donald S. Clark
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue NW
Washington, D.C. 20580

Counsel for A etna Health Inc. (via Federal Express)
Kay Lynn Brumbaugh
Andrews Kurth LLP
1717 Main Street, Suite 3700
Dallas, TX 75201

Counsel for United HealthCare of Texas (via Federal Express)
Helen D. Jaffe
Weil, Gotshal, & Manges LLP
767 Fifth Avenue
New York, NY 10153

Counsel for Pacificare (via Federal Express) Lynda Marshall Hogan & Hartson LLP 555 Thirteenth Street NW Washington, D.C. 20004

Counsel for Blue Cross Blue Shield of Texas (via Federal Express)
Michael S. Hull
Hull Hendricks & MacRae LLP
221 West Sixth Street
Suite 2000
Austin, TX 78701

Counsel for Humana Health Plan of Texas, Inc. (via Federal Express) Richard S. Krumholz Fulbright & Jaworski LLP 2200 Ross Avenue Suite 2800 Dallas, TX 75201

Counsel for Cigna (via Federal Express)
Kevin Maclay
Jones Day
51 Louisiana Avenue NW
Washington, D.C. 20001

and by e-mail upon the following: Ted Zang (<u>tzang@ftc.gov</u>) and Jonathan Platt (jplatt@ftc.gov).

Gregory D. Binns

007155 000034 DALLAS 1728716.3