

Facts show that the "authority" is a county agency  
 & therefore exempt even though it is incorporated. State § 01.1(a)  
 It declares it to be an "agency" ve  
 is not a determinator

VIA FACSIMILE

Mr. Richard Smith

This material may be subject to the  
 Confidentiality Provisions of Section  
 7(d) of the Act.

Emergency Notification Office  
 Federal Trade Commission  
 Washington, D.C.

As a follow-up to my conversation with Victor of last Friday, this letter outlines specific

Notification Office will consider any transaction involving this health care authority as exempt  
 from the filing requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (the  
 "Act") because of the application of Section 7(c)(1) of the Act and/or because the  
 [redacted] is excluded from the definition of "entity" under 16 C.F.R. §801.1(a)(2).

[Large redacted block]

The Authorities Act expressly provides that :

"(a) In addition to all other powers granted elsewhere in this article, and subject to  
 the express provisions of its certificate of incorporation, an authority shall have the  
 following powers, together with all powers incidental thereto or necessary to the  
 discharge thereof in corporate form:

determine to be consistent with the purposes of this article, notwithstanding that as a  
 consequence of such exercise of such powers it engages in activities that may be deemed  
 "anticompetitive" within the contemplation of the antitrust laws of the state or the United  
 States. . . .

Mr. Richard Smith  
Mr. Victor Cohen  
Premises Notification Office

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(c) As a basis for the power granted in subdivision (31) of the preceding subsection (a) the legislature hereby:

acts as an agency or instrumentality of its authorizing subdivisions and as a political subdivision of the state."

emphasis added.

There seems to be no question that this [redacted] is exempt from filing under

instrumentality of its authorizing subdivision (in this case, [redacted] Vendor as political

Please telephone me at [redacted] to confirm that you are in agreement with my conclusion that transactions involving this health care authority are outside of the notification provisions of the Act.

Very truly yours,

[redacted signature]