

Dr. Barbara Fields

Director, National Park Service, Ex-Officio member

The matters to be discussed at this meeting include the status of park development and planning activities. This meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matters to be discussed. Written statements may also be submitted to the Superintendent at the address above. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meetings.

Dated: July 30, 1996.

Jean Belson,

*Acting Field Director.*

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### **Mojave National Preserve, Advisory Commission; Notice of Meetings**

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Mojave National Preserve Advisory Commission will be held September 11, 1996; assemble at 9:30 AM at the Hole-in-the-Wall Campground, Mojave National Preserve, California. September 12, 1996, leave at 9:30 AM from the Hole-in-the-Wall Information Center, Mojave National Preserve; travel by vehicle to Zzyzx at Soda Dry Lake.

The agenda: Project Agreement for Northern and Eastern Mojave Planning Effort; Status Report update; Wild Horse and Burro Management and Soda Springs Management Options (Zzyzx).

The Advisory Commission was established by Public Law 103-433 to provide for the advice on the development and implementation of the General Management Plan.

Members of the Commission are: Micheal Attaway, Irene Ausmus, Rob Blair, Peter Burk, Dennis Casebier, Donna Davis, Nathan 'Levi' Esquerra, Gerald Freeman, Willis Herron, Eldon Hughes, Claudia Luke, Clay Overson, Norbert Riedy, Mal Wessel.

This meeting is open to the public.

Mary G. Martin,

*Superintendent, Mojave National Preserve.*

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## **DEPARTMENT OF JUSTICE**

### **Antitrust Division**

[Civil Action No. 96-389-BMZ]

### **United States v. Woman's Hospital Foundation and Woman's Physician Health Organization; Public Comments and United States' Response to Public Comments**

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States publishes below the comments received on the proposed Final Judgment in *United States v. Woman's Hospital Foundation and Woman's Physician Health Organization*, Civil Action 96-389-BMZ, United States District Court for the Middle District of Louisiana, together with the response of the United States to the comments.

Copies of the response and the public comments are available on request for inspection and copying in Room 200 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530, and for inspection at the Office of the Clerk of the United States District Court for the Middle District of Louisiana, United States Courthouse, 777 Florida Street, Suite 208, Baton Rouge, Louisiana 70801.

Rebecca P. Dick,

*Deputy Director of Operations, Antitrust Division.*

### **United States' Response to Public Comments**

Pursuant to the requirements of the Antitrust Procedures and Penalties Act (commonly referred to as the "Tunney Act"), 15 U.S.C. 16(b)-(h), the United States hereby responds to public comments regarding the Consent Decree proposed to settle this proceeding in the public interest. The United States received several comments from a single source, General Health, Inc. ("General Health"). General Health does not oppose entry of the Consent Decree. Rather, one of its comments points out an inadvertent mistake in the language of the Decree which has been corrected to reflect the original intent of the parties. (A revised Final Judgment will be filed shortly with the Court as an attachment to a motion for entry of the Judgment.) General Health's two other comments suggest additional prophylactic relief. After careful consideration of these comments, the United States concludes that the additional relief suggested by General Health is not necessary because the proposed Consent Decree, as amended, will provide an effective and

appropriate remedy for the antitrust violations alleged in the Complaint. Once the public comments and this Response have been published in the Federal Register, pursuant to 15 U.S.C. 16(d), the United States will move the Court to enter the Consent Decree.

On April 23, 1996, the United States filed a Complaint alleging that Defendants Woman's Hospital Foundation and Woman's Physician Health Organization ("WPHO") violated sections 1 and 2 of the Sherman Act, 15 U.S.C. 1, 2. At the same time, the United States filed a proposed Consent Decree, a Stipulation signed by all parties agreeing to entry of the Decree following compliance with the Tunney Act, and a Competitive Impact Statement ("CIS"). On May 6, 1996, the United States filed a Notice of Amendment of Competitive Impact Statement and an Amended Competitive Impact Statement.

Pursuant to the Tunney Act, on May 3, 1996, the Defendants filed the required description of certain written and oral communications made on their behalf. A summary of the terms of the proposed Decree and the CIS and directions for the submission of written comments were published in the *Washington Post* for seven consecutive days, from April 28, through May 4, 1996, and in the *Baton Rouge Advocate* from April 30, through May 7, 1996. The proposed Consent Decree and the CIS were published in the Federal Register on May 10, 1996. 61 FR 21,489 (1996).

The 60-day period for public comments began on May 10, 1996, and expired on July 9, 1996. General Health submitted several comments; the United States is filing them as attachments to this Response. The United States has concluded that the Consent Decree, as amended, reasonably, adequately, and appropriately addresses the harm alleged in the Complaint. Therefore, following publication of the comments and this Response, the United States will move this Court to hold that entry of the proposed Consent Decree, as amended, is in the public interest.

### **I. Background**

Woman's Hospital Foundation owns and operates Woman's Hospital, a facility with 149 staffed acute care beds. Woman's Hospital provides a range of care, including inpatient, outpatient, and home health services, to women and infants in the Baton Rouge area. It is the dominant provider of private inpatient obstetrical care in Baton Rouge.

In the late 1980's, competition among doctors for participation in managed care plans created the opportunity for the entry of other Baton Rouge area