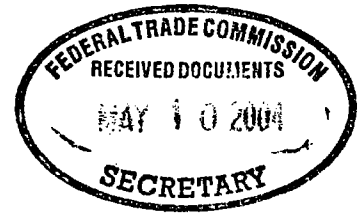


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)
)

North Texas Specialty Physicians,)
Respondent.)
_____)

Docket No. 9312

**ORDER ON ALCON'S MOTION FOR *IN CAMERA* TREATMENT
OF DOCUMENTS LISTED ON PARTIES' EXHIBIT LISTS**

I.

Non-party Alcon Laboratories, Inc. ("Alcon"), on April 26, 2004, filed a motion for leave to file out of time a motion for *in camera* treatment and its motion for *in camera* treatment. Neither party opposes Alcon's motion for leave to file out of time or Alcon's motion for *in camera* treatment. The motion for leave to file out of time is GRANTED. For the reasons set forth below, Alcon's motion for *in camera* treatment is GRANTED.

II.

The Order on Nonparties' Motions for *In Camera* Treatment issued in this case on April 23, 2004, sets forth the standards by which Alcon's motion for *in camera* treatment is reviewed. Alcon's motion provides a declaration by Don Snyder, Director of Corporate Benefits and Health Services for Alcon, ("Snyder Declaration"). As described by the Snyder Declaration, two of the documents for which *in camera* treatment is sought contain an analysis and comparison of three separate medical benefits service networks' pricing, costs, benefits and capabilities. The third document contains a discount and disruption analysis of patient-physician records from its contracted medical benefits service network. Snyder asserts that disclosure of these documents would reveal how Alcon analyzes and values various medical benefits service networks' services and coverage and the rates it pays for such services. The Snyder Declaration demonstrates that Alcon guards these documents and that disclosure of this information could cause serious competitive harm to Alcon.

A review of the declaration in support of the motion and the documents reveals that the information sought to be protected meets the standards for *in camera* treatment. Accordingly, Alcon's motion is GRANTED.

In camera treatment for a period of five years, to expire on May 1, 2009, is granted to the following three documents:

Alcon Laboratories Carrier Comparison Summary, Medical Benefits Administrative Services;

Alcon Laboratories, Network Effectiveness Comparison, Dallas/Ft. Worth and Southern California;


Alcon Discount & Disruption Analyses.

III.

Alcon shall inform its testifying current or former employees that *in camera* treatment has been extended to the material described in this Order. At the time that any documents that have been granted *in camera* treatment are offered into evidence or before any of the information contained therein is referred to in court, the parties shall identify such documents and the subject matter therein as *in camera*, inform the court reporter of the trial exhibit number(s) of such documents, and request that the hearing go into an *in camera* session.

The parties are required to prepare a joint exhibit that lists by exhibit number the documents that have been granted *in camera* treatment and that sets forth the expiration date of *in camera* treatment for each exhibit.

ORDERED:



D. Michael Chappell
Administrative Law Judge

Date: May 10, 2004