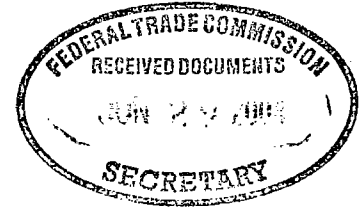


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)
)

North Texas Specialty Physicians,
Respondent.)
)
)
_____)

Docket No. 9312

**ORDER ON CIGNA’S MOTION FOR
IN CAMERA TREATMENT OF DOCUMENTS**

I.

Non-party Cigna Healthcare of Texas, Inc. (“CIGNA”), on June 18, 2004, filed a motion for *in camera* treatment of certain documents introduced at trial. Complaint Counsel consents to the relief sought by CIGNA. Respondent does not oppose CIGNA’s motion for *in camera* treatment. For the reasons set forth below, CIGNA’s motion for *in camera* treatment is GRANTED.

II.

Prior to the evidentiary hearing, by motion filed April 14, 2004, CIGNA moved for *in camera* treatment for documents that CIGNA had produced and that the parties had indicated would be introduced at trial in this matter. That motion was granted by Order dated April 23, 2004. CIGNA represents that subsequent to the April 23 Order, CIGNA learned that NTSP had produced documents from NTSP’s files that contain confidential information from CIGNA that is similar or identical to the information produced by CIGNA that had been granted *in camera* treatment by the April 23, 2004 Order. CIGNA further represents that now that NTSP and Complaint Counsel have provided the documents introduced at trial to CIGNA, CIGNA is in a position to move for specific protection for a discrete group of documents.

III.

The Order on Nonparties’ Motions for *In Camera* Treatment issued in this case on April 23, 2004, sets forth the standards by which CIGNA’s motion for *in camera* treatment is reviewed. CIGNA seeks *in camera* treatment for fifty documents, falling into four categories. For each of these documents, CIGNA seeks *in camera* treatment for a period of five years.

CIGNA’s motion provides a declaration from James Sabolik, Vice-President, Network

Operations of North Texas and Oklahoma for CIGNA, ("Sabolik Declaration"). As described by the Sabolik Declaration, the documents for which *in camera* treatment is sought fall into four categories: (1) confidential executed amendments, addendums and exhibits to agreements governing the contractual relationship between CIGNA and NTSP that are still in force and contain non-public, highly competitive fee, pricing and reimbursement information; (2) confidential e-mail correspondence between negotiators at CIGNA and NTSP that contain current, secret, competitive, fee, rate and reimbursement information and reveal methods and style of deliberations and negotiations of CIGNA; (3) confidential correspondence between NTSP and its members that contains current, secret, competitive fee, rate and reimbursement information of CIGNA; and (4) NTSP-created internal analyses that contain CIGNA's current, secret, competitive fee, rate and reimbursement information and other confidential contractual information.

The Sabolik Declaration demonstrates that the documents for which *in camera* treatment is sought contain secret, competitively sensitive documents, the disclosure of which could cause serious competitive injury to CIGNA. The Sabolik Declaration also demonstrates that the documents for which CIGNA seeks *in camera* treatment are not accessible to any unauthorized persons and that its contracts with NTSP are unknown outside of CIGNA, with the exception of NTSP. Sabolik avers that core business operations of CIGNA would be impaired if its confidential reimbursement rates between different providers were revealed.

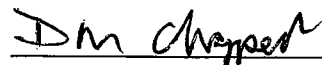
A review of the declaration in support of the motion and the documents reveals that the information sought to be protected meets the standards for *in camera* treatment. Accordingly, CIGNA's motion is GRANTED.

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

CX 265, CX 391, CX 401, CX 758, CX 766, CX 765, CX 768, CX 770, CX 772, CX 785, CX 792, CX 793, CX 796, CX 798, CX 806, CX 810, CX 811, CX 812, CX 813, CX 815, CX 817, CX 818, CX 819, CX 820, CX 821, CX 822, CX 823, CX 824, CX 825, CX 826, CX 827, CX 828, CX 831; and

RX 20, RX 822, RX 858, RX 920, RX 939, RX 960, RX 986, RX 1080, RX 1081, RX 1101, RX 1121, RX 1132, RX 1303, RX 1365, RX 1486, RX 1896, RX 1897.

ORDERED:



D. Michael Chappell
Administrative Law Judge

Date: June 29, 2004