

INTERLOCUTORY, MODIFYING,
VACATING, AND MISCELLANEOUS
ORDERS

IN THE MATTER OF

AMERICAN AIR LIQUIDE HOLDINGS, INC.

Docket No. C-4574. Order, August 31, 2016

Letter approving the divestiture of facilities for the production of various bulk gases as well as packaged gases retail locations to Matheson Tri-Gas, Inc.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Elaine Ewing, Esq.
Cleary Gottlieb Steen & Hamilton LLP

*Re: In the Matter of American Air Liquide Holdings, Inc., Docket
No. C-4574*

Dear Ms. Ewing:

This is in reference to the petition for the approval of the proposed divestiture of certain assets filed by American Air Liquide Holdings, Inc. (“Air Liquide”) and received on June 21, 2016 (“Petition”). Pursuant to the Decision and Order in Docket No. C-4574, Air Liquide requests prior Commission approval of its proposal to divest certain gases assets to Matheson Tri-Gas, Inc. (“Matheson”).

After consideration of Air Liquide’s Petition and other available information, the Commission has determined to approve the proposed divestiture as set forth in the Petition. In reaching this decision, the Commission has relied upon the information submitted and the representations made by Air Liquide and Matheson in connection with the Petition and has assumed them to be accurate and complete.

By direction of the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF

**THE PENN STATE HERSHEY MEDICAL
CENTER
AND
PINNACLEHEALTH SYSTEM**

Docket No. 9368. Order, October 14, 2016

Order granting a Joint Expedited Motion for a Continuance of Administrative Proceedings to continue all current deadlines in this matter—including the commencement of the administrative hearing—by one week.

ORDER GRANTING CONTINUANCE

On September 27, 2016, the Court of Appeals for the Third Circuit issued its Opinion and Judgment directing the District Court for the Middle District of Pennsylvania to preliminarily enjoin the merger between Penn State Hershey Medical Center and PinnacleHealth System, pending the outcome of this administrative proceeding.¹ In light of prior Commission orders, the administrative hearing was therefore scheduled to commence on October 18.

Complaint Counsel and Respondents now request that the Commission continue the administrative hearing for one week and grant a corresponding extension of all pre-hearing deadlines.² Hershey represents that it needs additional time to allow its board of directors to determine whether to continue pursuing the merger following the Third Circuit's ruling. The parties state that a one-week continuance will give Respondents sufficient time to finalize their decision and may obviate the expenditure of unnecessary resources in preparation for the hearing in this matter, without imposing any countervailing harms.

¹ *Fed. Trade Comm'n v. Penn State Hershey Med. Ctr.*, --- F.3d ---, 2016 WL 5389289 (3d Cir. Sept. 27, 2016), at <https://www.ftc.gov/system/files/documents/cases/160927pinnacledecision.pdf>.

² *Penn State Hershey Med. Ctr.*, Docket No. 9368, Joint Expedited Motion for Continuance of the Administrative Hearing (Oct. 11, 2016).