

Sheinberg, Samuel I.

From: [REDACTED]
Sent: Thursday, May 03, 2018 10:34 AM
To: Walsh, Kathryn E.; Berg, Karen E.; Shaffer, Kristin; Sheinberg, Samuel I.; Whitehead, Nora; Davis, Alpa D.
Subject: FW: Item 7(c)(iv) Questions

From: Carson, Timothy
Sent: Thursday, May 3, 2018 10:33:40 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Item 7(c)(iv) Questions

- 1: Confirmed
- 2: If reporting an overlap in 532412, follow the instructions in Item 7(c)(iv)(b) when providing geographic information in response to Item 7(c) of the form. You can ignore Item 7(c)(iv)(c) when addressing overlaps for that code.

Timothy (Ty) Carson
Bureau of Competition
Federal Trade Commission
400 7th Street, SW
Washington, DC 20024
202.326.2627
tcarson@ftc.gov

From: [REDACTED]
Sent: Thursday, May 3, 2018 10:08:48 AM (UTC-05:00) Eastern Time (US & Canada)
To: HSRHelp
Subject: Item 7(c)(iv) Questions

Dear PNO Team:

I am writing to seek clarification on a few items relating to Item 7(c)(iv) which relate to a filing person that potentially has overlap in NAICS Code 532412 relating to the rental and leasing of equipment:

1. Can you confirm that in connection with the response to Item 7(c)(iv)(b), the “establishments from which dollar revenues were derived” referred to in the instructions relate to the owned and leased facilities where the filing person’s operations are located (i.e. where revenue generating operations are conducted) and not the location in which the filing person’s customers are located or customer locations where the filing person delivers equipment for use by the customer.
2. Although Item 7(c)(iv)(b) covers NAICS industry codes within NAICS Sections or Subsections 532 (rental and leasing services), Item 7(c)(iv)(c) also covers NAICS industry codes within NAICS Sections or Subsections 53 (rental and leasing services) and therefore, I am request confirmation of the following (or clarification if the statements below are not accurate):

A. A filing person with potential overlap codes in NAICS Code 532412 must supply the geographic market data requested under both Item 7(c)(iv)(b) and Item 7(c)(iv)(c); and

B. That the states, or portions thereof, to be listed in response to Item 7(c)(iv)(c) is intended to capture all of the states listed in response to Item 7(c)(iv)(b) plus any additional states in which the filing person may have operations which may not have generated any revenues in the most recent fiscal year.

Thanks in advance for your assistance with these questions.

[REDACTED]