



As we stated in our March 24 Order, we are committed to moving forward as expeditiously as possible with adjudicative proceedings.<sup>4</sup> We have determined, however, that there is good cause to extend the withdrawal of this matter from adjudication until a short time after the WVHCA determines whether to approve or deny Cabell's application. The new statute requires WVHCA to issue a written decision no more than 75 days<sup>5</sup> after receipt of Cabell's completed application<sup>6</sup> and as noted above, Respondents have agreed not to consummate the proposed acquisition while this matter is withdrawn from adjudication. As a result, extending the withdrawal from adjudication until 14 days after the WVHCA issues its decision will enable us to evaluate its significance without adverse effects on competition or consumer interests. We have therefore determined to grant the Joint Motion. Accordingly,

IT IS HEREBY ORDERED that the withdrawal of this matter in its entirety from adjudication, and the stay of all proceedings before the Administrative Law Judge are extended until 11:59 p.m. EDT on the 14th calendar day after the West Virginia Health Care Authority issues its written decision pursuant to Section 129B-28(e)(3) of the Code of West Virginia, regarding the Application for Approval of Cooperative Agreement (Acquisition of St. Mary's Medical Center) filed by Respondent Cabell on March 25, 2016.

By the Commission.

SEAL:  
ISSUED: April 22, 2016

Donald S. Clark  
Secretary

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<sup>4</sup> See Commission Rule 3.1, 16 C.F.R. § 3.1 (“[T]he Commission’s policy is to conduct [adjudicative] proceedings expeditiously.”); Rule 3.41(b), 16 C.F.R. § 3.41(b) (“Hearings shall proceed with all reasonable expedition . . .”).

<sup>5</sup> Joint Motion at 2, citing W. Va. Code § 129B-28(e)(3). If the WVHCA requests additional information, it may take an additional 15 days following receipt of that information to approve or deny Cabell’s application. Joint Motion at 2 note 2, citing W. Va. Code § 129B-28(e)(3).

<sup>6</sup> If the WVHCA has not issued a written decision within 120 days of this Order, (1) Respondents may provide Complaint Counsel and the Commission with seven days’ notice of their intent to consummate the transaction and (2) the Commission may return this matter to adjudication upon providing the Respondents with seven days’ notice.