

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: Deborah Platt Majoras, Chairman
Pamela Jones Harbour
Jon Leibowitz
William E. Kovacic
J. Thomas Rosch

_____)	
In the Matter of)	
EQUITABLE RESOURCES, INC.,)	
DOMINION RESOURCES, INC.,)	Docket No. 9322
CONSOLIDATED NATURAL GAS COMPANY,)	PUBLIC
and)	
THE PEOPLES NATURAL GAS COMPANY,)	
Respondents.)	
_____)	

**ERRATA SHEET TO COMPLAINT COUNSEL'S BRIEF
IN SUPPORT OF ITS MOTION TO STRIKE
THE AFFIRMATIVE DEFENSE OF STATE ACTION**

Complaint Counsel hereby file an errata sheet to correct errors in the Complaint Counsel's Brief in Support of its Motion to Strike the Affirmative Defense of State Action and exhibits for the Brief, which were filed April 11, 2007. The brief and exhibits should be corrected by replacing the originally submitted brief and exhibits with the attached corrected brief and exhibits. The attached spreadsheet shows the changes made.

Dated: April 17, 2007

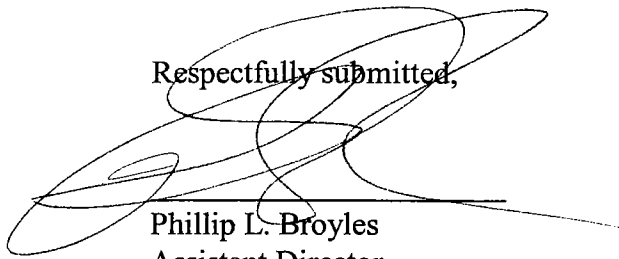
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COMPLAINT COUNSEL'S ERRATA SHEET FOR CITATIONS

CITATIONS	PAGE	CORRECTION	CORRECTED
<i>Glaberson v. Comcast Corp.</i> , 2006 Trade Cas. (CCH) ¶ 75,531 (E.D. Pa. 2006)	vi, 22	Added "-2."	<i>Glaberson v. Comcast Corp.</i> , 2006-2 Trade Cas. (CCH) ¶ 75,531 (E.D. Pa. 2006)
15 P.S. § 3541 (repealed 1988)	ix, 15 n.14	Replaced P.S. with PA. STAT. ANN. Added (West 1967).	15 PA. STAT. ANN. § 3541 (West 1967)(repealed 1988)
15 P.S. § 3542 (repealed 1988)	ix, 15 n.15	Replaced P.S with PA. STAT. ANN. and 3542 with 3543. Added (West 1967).	15 PA. STAT. ANN. § 3543 (West 1967)(repealed 1988)
66 Pa. C.S.A. § 1102(3)	ix, 22 n.28	Added (a).	66 Pa. C.S.A. § 1102(a)(3)
Order Denying Petition of the Office of Trial Staff for the Commencement of an Investigation of Competitive Practices Between Natural Gas Distribution Companies at 8 (Oct. 6, 2005) (Pa. P.U.C. No. P-000052160) (citing Answer of The Peoples Natural Gas Company).	3	Add "- 9."	Order Denying Petition of the Office of Trial Staff for the Commencement of an Investigation of Competitive Practices Between Natural Gas Distribution Companies at 8 - 9 (Oct. 6, 2005) (Pa. P.U.C. No. P-000052160) (citing Answer of The Peoples Natural Gas Company).
Slip op. at 19-22.	14 n.19	Replace Slip op. with <i>Id.</i>	<i>Id.</i> at 19-22.
<i>Phonetele, Inc. v. AT&T</i> , 664 F.2d 716 (9th Cir. 1981)	22 n.30	Added ", 737."	<i>Phonetele, Inc. v. AT&T</i> , 664 F.2d 716, 737 (9th Cir. 1981)

COMPLAINT COUNSEL'S ERRATA SHEET FOR CITATIONS (continued)			
CITATIONS	PAGE	CORRECTION	CORRECTED
428 U.S. at 595-96	28	Replaced 595-96 with 596.	428 U.S. at 596
94 F. Supp. 2d at 410 (citations omitted)	32	Replaced 94 F. Supp. 2d with <i>Id.</i>	<i>Id.</i> at 410 (citations omitted)
<i>Patrick v. Burget</i> , 486 U.S. at 106	33	Replaced 106 with 101.	<i>Patrick v. Burget</i> , 486 U.S. at 101

COMPLAINT COUNSEL'S ERRATA SHEET FOR QUOTATIONS			
QUOTATIONS	PAGE	CORRECTION	CORRECTED
"foreseeable"	10	Delete quotation marks.	foreseeable
"actively supervised by state itself."	30	Added single quotation mark before "actively" and after "supervised."	"actively supervised' by state itself."
The mere presence of some state involvement or monitoring does not suffice.	31	Added single quotation mark before "The" and after "suffice."	'The mere presence of some state involvement or monitoring does not suffice.'

COMPLAINT COUNSEL'S ERRATA SHEET FOR EXHIBITS	
EXHIBITS	CORRECTION
CX 0001	Failed to label Complaint Counsel's Exhibit List with CX0001.
CX 0004	Failed to include the full text of 15 PA. STAT. ANN. § 3543 (West 1967)(repealed 1988).

PUBLIC

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

DOCKET NO. 9322

**In the Matter of
EQUITABLE RESOURCES, INC.**

**Patricia V. Galvan
Michael H. Knight
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April 11, 2007

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**BRIEF OF COMPLAINT COUNSEL
IN SUPPORT OF ITS MOTION TO STRIKE
THE AFFIRMATIVE DEFENSE OF STATE ACTION**

Respondent Equitable Resources, Inc. (“Equitable”) plans to acquire The Peoples Natural Gas Company from Dominion Resources, Inc. (collectively, “Dominion”). On March 15, 2007, the Federal Trade Commission filed an administrative complaint alleging that the acquisition of Dominion violates Section 5 of the Federal Trade Commission (“FTC”) Act, 15 U.S.C. § 45 (2000), and Section 7 of the Clayton Act, 15 U.S.C. § 18 (2000), by eliminating competition between the only natural gas distribution companies serving certain nonresidential customers in

