

-----Original Message-----

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Sent: Tuesday, February 23, 1999 6:31 PM

To: PMines@mtc.gov; alanf@napanet.net

Subject: Message from John Warren: Alternative Statement of
Dependency/Contribution Test

I suggest the following changes in your February 22, 1999 redraft:

1. In your "Definitions" section, insert "3" before "Enterprise."
2. For your text under the heading "Dependency Contribution," substitute the following:

"Where an enterprise consists of more than one business segment and the operation of one segment is dependent upon or contributes to the operation of another segment, these segments constitute a unitary business. Stated another way, the test is whether the various segments are interdependent and of mutual benefit to one another.

This states the test in the conjunctive. If a disjunctive test is desired, the second sentence can be deleted.

3. The fourth "Presumption" should be deleted for the reasons stated by Brian Toman on February 17.