

# PHEARS & MOLDOVAN

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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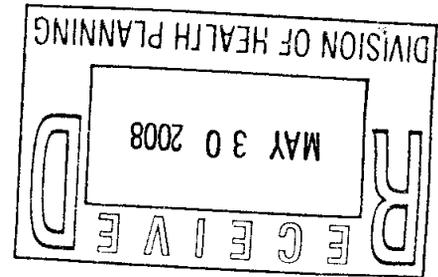
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May 30, 2008

## VIA HAND DELIVERY

Clyde L. Reese, III, Esquire  
General Counsel  
Department of Community Health  
2 Peachtree Street  
Atlanta, Georgia 30326



Re: Determination Request under Senate Bill 433

Dear Mr. Reese:

This firm represents The Hospital Authority of Houston County d/b/a Houston Medical Center ("HMC"). We understand that the Department of Community Health ("DCH") has waived the normal filing fee for a Determination Request under Senate Bill 433 ("SB 433") if the Request is filed in the month of May. DCH has also stated it would not require the party filing the Request to use the Determination Request form. We appreciate DCH's efforts to accommodate these requests in an expeditious and cost effective manner.

We are writing to obtain confirmation that the construction of a medical office building ("MOB") on property owned by HMC will not require a CON under SB 433 after July 1, 2008.

HMC owns approximately 50 acres of land in Warner Robins, Georgia. A MOB will be constructed on approximately five acres of that site which will cost approximately \$9,466,000.00. The MOB will have approximately 30,632 square feet. Upon completion of the MOB, the building and the land will be leased to an unaffiliated third party - "HMC Cancer Center of Central Georgia, LLC" - pursuant to a long term ground lease. HMC will lease approximately 3,565 square feet for its own use from HMC Cancer Center of Central Georgia, LLC.

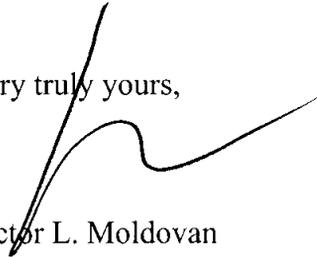
We are requesting that you confirm that under SB 433 that construction of the MOB even it is deemed to be "by or on behalf" of HMC does not require a CON regardless of costs under the circumstances described herein. O.C.G.A. § 31-6-47(16).

Clyde L. Reese, III, Esquire  
May 30, 2008  
Page 2

Also, that HMC is not required to obtain any approval from DCH before commencing the project.

Thank you for your consideration of this issue. Please let me know if you have any questions.

Very truly yours,



Victor L. Moldovan

cc: Mr. Grady W. Philips, III