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GARVEY SCHUBERT BARER

Please reply to STEPHEN D. ROSE  
srose@gsblaw.com TEL EXT 1375

August 25, 2008

**BY E-MAIL AND U.S. MAIL**

Bill Hogan, Commissioner  
Department of Health and Social Services  
P.O. Box 110601  
Juneau, AK 99811-0801

Re: South Anchorage Ambulatory Surgery Center

Dear Commissioner Hogan:

I represent Alaska Spine Institute Surgery Center (ASISC). ASISC is substantially affected by your decision dated July 28, 2008, to grant a Certificate of Need to the joint venture partners to build the South Anchorage Ambulatory Surgery Center. I have attached a copy of your letter decision for your reference. As a party substantially affected by the issuance of this Certificate of Need, ASISC requests a hearing to appeal this decision pursuant to 7 AAC 07.080.

Sincerely,

GARVEY SCHUBERT BARER

By 

Stephen D. Rose

cc: Alaska Spine Institute Surgery Center

SEA\_DOCS:899945.1

SARAH PALIN, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES  
OFFICE OF THE COMMISSIONER

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

July 28, 2008

**Certified, Return Receipt Requested**

Lisa Wolf, Director of Planning  
Providence Health System in Alaska  
P.O. Box 196604,  
Anchorage, Alaska 99519-6604

Dear Ms. Wolf:

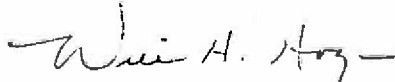
In accordance with the decision on appeal that was made on July 2, 2008, by Judge Fred Torrisi, Third Judicial District, a Certificate of Need is granted to the joint venture partners to build South Anchorage Ambulatory Surgery Center with the following conditions:

*South Anchorage Ambulatory Surgery Center, a joint venture between Providence Health System in Alaska and Advanced Pain Centers of Alaska, is authorized to spend a total of \$6,500,000 to build out a four-suite, 20,100 square foot surgical facility in an existing building located at 88<sup>th</sup> and Toloff in Anchorage. The approved completion date for the project is December 31, 2009.*

*A condition of approval is that any "shelled in" or other space planned for conversion to additional surgical suites at a later date must go through the Certificate of Need process and be approved by the Department, regardless of the cost, prior to expending any funds for conversion or operation.*

If you have any questions please contact the Certificate of Need staff at (907) 465-3001 (David Pierce) or (907) 465-6816 (Karen Lawfer).

Sincerely,



William H. Hogan  
Commissioner

cc: David Pierce, Certificate of Need Coordinator  
Jeremy Hayes, Assistant Administrator, Alaska Medical Development