## J. H. CAMP, ET AL.

*Dockets 4446, 4893. Order and Opinion, April 9, 1958*

Order denying respondent's motion to reopen proceedings to set aside desist order.

OPINION OF THE COMMISSION

By TAIT, Commissioner:

In a petition filed March 18, 1958, respondent in these proceedings requests that the order entered in docket No. 4446 on March 12, 1941, and the order entered in docket No. 4893 on June 27, 1944, be set aside. This petition has been treated as a motion to reopen and set aside the said orders. Counsel supporting the complaint has filed an answer in opposition thereto.

In both proceedings, respondent entered into stipulations as to the facts with counsel supporting the complaint. The Commission in each case made its findings as to the facts and conclusion, based on the facts as stipulated and entered an order to cease and desist. The orders have become final.

Respondent's motion makes no showing as to a change in conditions of fact or of law or that the public interest requires the reopening of these proceedings and the setting aside of the orders to cease and desist. The basis for the request is, in substance, that the decision in *Federal Trade Commission* v. *Carter Products, Inc.*, 346 U.S. 327 (1953), represents a change in conditions of law. That decision, however, was not a ruling on the merits; rather, it was a ruling on procedure in a matter involving contested issues of fact.[1] It could have no possible effect on these proceedings in which the facts were stipulated. The Commission, accordingly, has concluded that respondent's motion provides no ground for reopening the proceedings and it must, therefore, be denied.

ORDER DENYING MOTION TO REOPEN PROCEEDINGS

This matter having been heard upon respondent's petition filed March 18, 1958, for reopening of this proceeding for the purpose of having set aside the order to cease and desist heretofore entered in disposition of this proceeding; and

The Commission, for the reasons set forth in its accompanying opinion, having concluded that said petition fails to establish a reasonable probability that material changes in conditions of fact or in law have occurred and fails to demonstrate a reasonable probability that the public interest requires reopening of the proceeding and setting aside of the order to cease and desist:

*It is ordered,* That the respondent's request that the proceeding be reopened and the order to cease and desist be set aside be, and it hereby is, denied.

## GULF OIL CORP.

*Docket 6689. Order, April 17, 1958*

Interlocutory order upholding hearing examiner's denial of complaint counsel's