Order remanding price discrimination case for additional evidence re respondent's prices to dealers in areas other than Birmingham, Ala.

This case having come on for hearing upon the cross-appeals filed by the respondent and counsel supporting the complaint from the

initial decision of the hearing examiner in which he held that the respondent had engaged in territorial price discrimination in violation of Section 2(a) of the Clayton Act, as amended, and wherein he dismissed the complaint's additional charges alleging an unlawful combination and planned common course of action between the respondent and its retail dealers to fix resale prices; and

It appearing that the evidence introduced is insufficient for informed determinations of whether the prices charged by the respondent in the area of Birmingham, Alabama, were lower than those charged by the respondent to dealers elsewhere, and the Commission having determined that the proceeding should be reopened for the reception of additional evidence respecting respondent's prices to dealers:

It is ordered, That this proceeding be, and it hereby is, remanded to the hearing examiner for the reception of additional evidence relating to prices charged by the respondent in areas other than Birmingham during the period to which the charges relate.

It is further ordered, That after the receipt of such additional evidence, the hearing examiner indicate any changes he may wish to make in the initial decision in the light thereof.

B. D. RITHOLZ ET AL.