Circuit—reopening proceeding and remanding case for evidence re the current situation on the Asheville tobacco market.

The Commission on March 19, 1959, having issued and thereafter served upon the respondents an order granting the respondents leave to file an appropriate memorandum or brief setting forth any objections they may have to the tentative action of the Commission on remand of this case from the United States Court of Appeals for the Fourth Circuit, a copy of which tentative action was issued and served with said order; and

The respondents on June 2, 1959, having filed their objections to the aforesaid tentative action of the Commission, and having requested that the case be reopened for the receipt of evidence concerning developments on the Asheville tobacco market subsequent to the date on which the record was closed, which the respondents contend will demonstrate the inappropriateness of the Commission's tentative action; and

The Commission having considered said request and the answer filed by counsel in support of the complaint, and having concluded that the evidence to which the respondents refer may have a material bearing on the form of order to cease and desist which would best serve the public interest in this matter:

It is ordered, That this proceeding be, and it hereby is, reopened.

It is further ordered, That the case be, and it hereby is, remanded to the hearing examiner for the purpose of receiving such evidence as the respondents may offer tending to prove by facts subsequent to the closing of the record the current competitive situation on the Asheville tobacco market.

It is further ordered, That counsel in support of the complaint shall have the usual rights of due notice, cross-examination and the presentation of evidence in rebuttal.

It is further ordered, That after the receipt of such evidence, the hearing examiner shall file with the Commission a report thereon.

LESTER B. PATTERSON ET AL. TRADING AS SKIL-WEAVE CO. ET AL.

Docket 7318. Order, July 24, 1959

Order vacating initial decision and remanding case to develop a record for disposal of the matter as to certain respondents.