The Commission, for the reasons stated in the accompanying opinion, having concluded that this appeal should be denied:

It is ordered, That respondents' appeal be, and it hereby is, denied.

It is further ordered, That this case be, and it hereby is, remanded to the hearing examiner for further proceedings.

PURE OIL COMPANY

Docket 6640. Order, Oct. 30, 1959

Order broadening scope of remand to include reception of evidence in defense of charges of geographical price discriminations and rebuttal.

The Commission, by order issued September 25, 1959, having remanded this proceeding to the hearing examiner for the reception of additional evidence as to prices charged by the respondent to customers located in areas other than Birmingham, Alabama, during the period of time covered by the allegations of Count I of the complaint; and

The respondent on October 6, 1959, having filed a motion and affidavit stating that by reason of the remand it has reconsidered its prior decision to rest its case and not offer evidence in opposition to the aforesaid allegations and requesting the Commission to now permit it to introduce evidence in defense of certain of such charges, which motion is opposed by counsel supporting the complaint; and

The Commission having determined that in the circumstances the respondent's request for leave to present its defense should be granted, but that further direction to the hearing examiner as to the form of decision or report to be submitted by him after receipt of the additional evidence, as suggested by the parties, is not necessary:

It is ordered, That the scope of the Commission's remand of this case to the hearing examiner under its order of September 25, 1959, be, and it hereby is, broadened to include the reception of any relevant evidence which may be offered by the respondent in defense