SHELL OIL COMPANY

Docket 8537. Order, March 7, 1963

Order denying motion to place documents in the public record, failing for the second time to show good cause.

Respondent's Motion To Place Documents In The Public Record avers that the Commission in denying respondent's earlier request for disclosure of Commission records made "statements of fact" in its opinion which are not supported by evidence of record. The motion argues that the Commission cannot "base findings upon matters which are outside the record" and asks that the documents forming the basis for the Commission's factual statements be produced and placed in the public record.

Respondent does not designate either the "findings" or the "statements of fact" which it feels require support, and in the absence of such designation the Commission is without knowledge both as to the alleged findings and statements to which reference is made. Respondent's counsel do state in their motion that they "do not agree with the accuracy of these statements" but, again, as in their earlier motion, they fail to make a showing to support their disagreement.

Presumably, the theory of respondent's motion is that the Commission's order of February 1, 1963, denying the motion for disclosure of records was based, at least in part, on certain unidentified "findings" and "statements of fact" which, in turn, reflect the content of memoranda and other material in the Commission's files. The opinion which accompanied the Commission's order clearly shows on its face that there is no validity to any such theory. As stated in both the opinion and order, the basis for the Commission's action denying respondent's motion was that the respondent had failed to show good cause for release of the requested documents.

Respondent having now failed again to show good cause for the request that documents be placed in the record:

It is ordered, That the Motion To Place Documents In The Public Record be, and it hereby is, denied.

Commissioner Elman not participating.

THE GRAND UNION COMPANY

Docket 8458. Order, Feb. 11, 1963

Interlocutory order granting respondent's counsel permission to examine special reports from some 180 competing food chains used by complaint counsel as the basis for statistical tabulations offered in evidence, and establishing conditions and safeguards upon such disclosure.