subpoena. However, no facts are alleged, in support of these claims, that would enable the Commission to determine whether appellant is entitled to an immediate appeal. Consequently, the appeal must be denied. In so ruling, the Commission expresses no view on the correctness of the hearing examiner's order or the merits of appellant's position.

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

O. K. RUBBER WELDERS, INC., AND THE B. F. GOODRICH COMPANY

Docket 8571. Order, Oct. 17, 1963

Order denying respondent's requests to appeal the hearing examiner's denial of a stay of proceedings.

Order Denying Request for Permission To File Iterlocutory Appeal

Respondents in the above-captioned matter, pursuant to Section 3.20 of the Commission's Rules of Practice, have filed separate requests for permission to file an interlocutory appeal from an order of the hearing examiner denying a motion for stay of proceedings. The ground of that motion, and of the present requests, is that there are common issues of law between this case and several other cases decided by the Commission and presently pending on appeal in the Federal Courts of Appeals. It is urged that, should any of these courts disagree with the Commission's view of the basic issues in those cases, the Commission would want to reconsider its action in issuing a complaint in the instant case, and that therefore all further proceedings in this case should be stayed until decision of the pending appeals.

A motion to stay proceedings before the Commission on such a ground is, properly, a motion addressed to the Commission in its administrative, rather than its adjudicative, capacity. Therefore, the hearing examiner had no power to pass upon the motion, see Section 8 of the Commission's Statement of Organization, and should instead have certified it to the Commission for its determination. See Section 3.15(c)(9) of the Rules of Practice; *Drug Research Corp.*, F.T.C. Docket 7179 (decided October 3, 1963) [p. 998 herein].

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However, considering the motion for a stay of proceedings in this