INTERLOCUTORY, VACATING, AND MISCELLANEOUS ORDERS

SCHOOL SERVICES, INC., ET AL.

Docket 8729. Order, January 7, 1969

Order denying respondent's petition for reconsideration of Commission's order of October 10, 1968.

ORDER DENYING PETITION FOR RECONSIDERATION

The Commission issued its decision and order in this matter on October 10, 1968.* On November 27, 1968, respondents filed a petition for reconsideration of the decision herein, principally on the ground that it denies respondents due process of law. According to respondents, "[i]t does so by denying respondents' request for leave to submit a supplemental brief and by the reflection of bias and prejudgment in the special methods adopted for finding violation."

The Commission's Rules of Practice require that petitions for reconsideration be filed under Section 3.55, which in pertinent part provides that:

> [a]ny petition filed under this subsection must be confined to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Commission.

Respondents' petition does not claim that the decision or final order raises any new questions. Nor do we believe that respondents were denied an opportunity to argue any and all issues before the Commission, as respondents allege. Respondents' contention that in an answering brief they are precluded from addressing issues not raised by the appeal brief is without merit. The Commission's Rules of Practice certainly do not so limit an answering brief. In fact, respondents in their answering brief should raise any and all pertinent issues germane to the Commission's consideration of the appeal, whether or not specifically referred to by complaint counsel. The time to raise these issues was when the matter was before the Commission, and every opportunity was accorded to respondents to do so. The fact that

*74 F.T.C. 920.

respondents did not take advantage of this opportunity does not now, at this late date, merit granting their petition for recon-