

WINDSOR DISTRIBUTING COMPANY

Docket 8773. Order, June 24, 1969

Order adopting the hearing examiner's recommendation that the hearings in this case be held in more than one place.

ORDER ON EXAMINER'S CERTIFICATION OF REQUESTS FOR HEARINGS
IN MORE THAN ONE PLACE

This matter is before the Commission upon the certification by the hearing examiner, of June 18, 1969, along with his recommendation that the parties' respective requests for hearings in this proceeding at more than one location be granted.¹ Specifically, complaint counsel have requested that in addition to hearings at the offices of the Federal Trade Commission in Washington, D. C., hearings be held at Casper, Wyoming, where he anticipates the calling of ten to twenty witnesses. He also requests that hearings be held at Pittsburgh, Pennsylvania, where respondents' main office is located and where he anticipates calling three witnesses. Respondents' counsel also requested hearings be held in Pittsburgh and anticipates the calling of five to seven witnesses immediately following the adduction of complaint counsel's testimony.

The general policy of the Commission calls for continuous hearings to be held in one location. However, Section 3.41(b) of the Commission's Rules of Practice accords the examiner, in unusual and exceptional circumstances and for good cause shown, the authority to order hearings at more than one place.

The examiner states that both parties believe their cases would be prejudiced were their requests not granted and that their position appears to be justified. In addition, the examiner feels that in view of the number of witnesses involved it would be more economical to the Government and in the public interest to grant the requests. We agree. The examiner's proximity to the proceeding places him in a singularly favorable position to rule on such requests and absent some overriding considerations his recommendations with respect thereto will not be disturbed. Accordingly,

It is ordered, That the examiner's recommendation as to hearings in more than one place be, and it hereby is, adopted by the Commission.

¹ Complaint counsel's request that hearings also be held in Dallas the examiner recommends be denied. Only one witness is involved and it would be more economical to transport this witness to one of the other hearing locations.