

failing to comply with a court order requiring production of documents in response to a subpoena, and that contempt proceedings be initiated against one of the employees of that company for refusing to answer a question on cross-examination, and counsel supporting the complaint having filed an answer in opposition thereto; and

The hearing examiner having certified respondent's motion to the Commissioner with the recommendation that it be denied and having subsequently furnished the Commission with a statement of the reasons underlying his recommendation wherein he has pointed out, *inter alia*, that respondent's motion was not timely filed, that United States Pipe and Foundry Company is at most in technical violation of the court's order, and that information which respondent's counsel sought to elicit from the employee of United States Pipe and Foundry Company was not material to the allegations of the complaint; and

The Commission having considered respondent's motion in the light of the hearing examiner's statement and having concluded that respondent has failed to show that it has been prejudiced in any manner by the alleged contumacious conduct of United States Pipe and Foundry Company or its employee or that any basis exists for the initiation of contempt proceedings:

It is ordered, That respondent's motion that contempt proceedings be initiated against United States Pipe and Foundry Company and its employee be, and it hereby is, denied.

COLUMBIA BROADCASTING SYSTEM, INC., ET AL.

Docket 8512. Order, April 3, 1970

Order reopening and remanding case to hearing examiner for receiving evidence on the question of the competitive structure of the record club industry.

ORDER REOPENING AND REMANDING PROCEEDING

The United States Court of Appeals for the Seventh Circuit having on June 26, 1969, rendered its opinion, and on July 18, 1969, entered its judgment,* reversing that part of the Commission's order to cease and desist directed against respondents' exclusive dealing arrangements, and remanding the matter to the Federal Trade Commission for further proceedings in accordance with the court's opinion, and the United States Supreme Court having on February 25, 1970, denied a petition filed by the Federal Trade Commission for a writ of certiorari* to review the judgment of the court of appeals:

It is ordered, That the matter be, and it hereby is, reopened; and

*Reported in 414 F. 2d 974 (1969), 8 S.&D. 981. Petition for certiorari denied, 397 U.S. 907 (1970). For case before Commission, see 72 F.T.C. 27.