from the hearing examiner's order filed July 9, 1971 be, and it hereby is, denied.

MISSOURI PORTLAND CEMENT COMPANY

Docket 8783. Order, Aug. 23, 1971

Order denying various appeals by respondent and third parties from hearing examiner's rulings granting in part and denying in part motions of third parties to quash, limit or accord confidential treatment as to certain specifications in subpoenas *duces tecum*, and returning case to him for clarification of his ruling on specification 6.

ORDER DENYING INTERLOCUTORY APPEALS AND RETURNING MATTER TO THE EXAMINER FOR CLARIFICATION OF RULINGS REGARDING QUASHING OF SEPTEMBER 6

This matter having come before the Commission upon respondent's appeals, filed June 14, 1971, and July 6, 1971, from the hearing examiner's orders, filed June 7, 1971, and June 24, 1971, in which the examiner granted in part and denied in part the motions of third parties to quash, limit or accord confidential treatment as to certain specifications in subpoenas *duces tecum* issued at the instance of respondent; and upon answers in opposition filed by third parties on June 17, 1971, June 21, 1971, July 12, 1971, and July 16, 1971, and by complaint counsel on June 21, 1971, and July 13, 1971; and upon replies to certain of these answers filed by respondent on June 28, 1971; and upon the appeal of Ash Grove Cement Company and Fordyce Concrete, Inc., filed July 6, 1971, from the hearing examiner's order, filed June 24, 1971; and upon answer in opposition filed by complaint counsel on July 13, 1971; and

It appearing to the Commission that in all respects other than as to specification 6 in the said subpoenas *duces tecum* issued to certain cement manufacturers, no showing has been made as required by Rule 3.35(b) of the Commission's Rules of Practice to justify the above appeals; and

It further appearing to the Commission that the hearing examiner's orders quashing the said specification 6 do not sufficiently articulate his

bases or reasons for such action, including whether he considered the requested data relevant for purposes of discovery; and

The Commission therefore having determined that the matter should be returned to the hearing examiner for clarification of his rulings as to the said specification 6 so as to afford the Commission a more informed basis for determination of respondent's appeals on this question, that respondent's appeals should be denied in all other respects, and that the appeal of Ash Grove Cement Company and Fordyce Concrete, Inc., should also be denied:

It is ordered, That respondent's appeals from the hearing examiner's orders filed June 7, 1971, and June 24, 1971, be, and they hereby are, denied insofar as they pertain to rulings of the examiner other than as to the said specification 6.

It is further ordered, That the appeal of Ash Grove Cement Company and Fordyce Concrete, Inc., from the hearing examiner's order filed June 24, 1971, be, and it hereby is, denied.

It is further ordered, That this matter be, and it hereby is, returned to the hearing examiner for clarification of his rulings as to the said specification 6.

Without the concurrence of Commissioner MacIntyre.

THE PAPERCRAFT CORPORATION

Docket 8779. Order, Sept. 9, 1971

Order denying respondent's petition for reopening and for a stay of the effective date of the final order; granting respondent's petition for leave to file a further statement; modifying Paragraph IX of the final order of June 30, 1971 (78 F.T.C. 1352); and otherwise denying respondent's petition for reconsideration.