

conferred by Rule 3.36(c), the administrative law judge ruled on the motion, granting it in part and denying it in part.

Complaint counsel argue that an appeal could not have been taken from the ruling since the subpoena contemplated to be issued by the ruling did not actually exist on August 25, but became available only after the time for appeal had elapsed. They contend, in other words, that they had no way of knowing from the ruling what the specifications of the subpoena would be, and, hence, whether or not they would want to seek an appeal.

The August 25 ruling, in our view, left no uncertainty as to what categories of documents the administrative law judge had ordered produced; and the September 7 subpoena simply effectuated the clear import of the ruling. Had the ruling been deficient or ambiguous in any respect, complaint counsel could have moved for clarification under Rule 3.22. Complaint counsel did not so move. Their failure to do so suggests that they understood what documents were being subpoenaed by the ruling. Moreover, complaint counsel's September 13 motion did not allege that the specifications of the September 7 subpoena deviated materially from the proposed specifications ruled upon by the judge's August 25 ruling.

In short, it seemed clear from the papers before us that no dispute, in fact, existed concerning what documents were directed for production under the August 25 ruling, that complaint counsel's September 13 motion was simply an attempt to revisit issues previously ruled upon by the judge and that interlocutory review, if desired by complaint counsel, should have been sought from the August 25 ruling. Accordingly, we denied complaint counsel's application for interlocutory review and an appropriate order was entered.

ITT CONTINENTAL BAKING COMPANY

Docket 7880. Order, Oct. 13, 1972.

Order denying respondent's motion for reconsideration of provisions of a 1962 order [60 F.T.C. 1183].

ORDER DENYING MOTION TO RECONSIDER

By order dated August 1, 1972 [page 1021 herein], the Commission directed that this matter be assigned to a hearing examiner for the purpose of receiving evidence on the question of whether the proceeding should be reopened and the provision of the Commission's order of May 11, 1962, prohibiting certain acquisition for a period of ten