

1021

Order

years be extended for an additional five years. By motion filed September 28, 1972, respondent ITT Continental Baking Company requests the Commission to reconsider its order directing hearings, contending that in recent conferences Commission counsel have asserted a new ground not encompassed by the Commission's original show cause order or its order setting the matter for hearings.

Pursuant to our direction, this matter is now before Administrative Law Judge Allard for adjudication pursuant to Part 3 of the Rules of Practice. Section 3.22 provides that when a proceeding is before an administrative law judge all motions therein (with one exception not applicable here) shall in the first instance be presented to him. Although the respondent denominates its motion as one of "reconsideration" of our prior order directing hearings, it deals with a question of whether some of the evidence which Commission counsel may introduce in the hearings is within the scope of the pleadings, in this case the order to show cause. This type of issue is one that is commonly dealt with by administrative law judges during proceedings before them, and any motion raising this question should be addressed to the administrative law judge before whom this case is pending.

Accordingly, for the reasons stated herein, respondent's motion for reconsideration, dated September 28, 1972, is denied. It is so ordered.

LOVE TELEVISION & STEREO RENTAL, INC., ET AL.

Docket C-2245. Order, Oct. 19, 1972.

Order granting in part respondents' requests for copies of responses to their Petition for Modification of Order in Docket C-2245.

ORDER GRANTING IN PART AND DENYING IN PART REQUEST FOR COPIES OF RESPONSES TO PETITION, REQUEST TO SUBMIT WRITTEN BRIEF AND REQUEST TO PREVENT ORAL ARGUMENTS

This matter is before the Commission upon the motion of respondents Love Television and Stereo Rental, Inc., et al. filed September 11, 1972, in which respondents requested that it attorneys for the Commission or any other party submits to the Commission any opinion or recommendation adverse to their Petition for Modification of the Order in Docket No. C-2245, filed August 7, 1972, that they be furnished with a copy of said opinion or recommendation. Respondents also requested that they be allowed to respond to said opinions or recommendations by written brief, and that they be permitted to present their case by oral argument before the Commission.