

1021

Order

GEORGIA-PACIFIC CORPORATION

Docket 8843. Order, Nov. 21, 1972.

Order denying motions to intervene, and receiving such motions as comments and as briefs *amicus curiae* in connection with Commission's consideration of the settlement proposal.

ORDER DENYING MOTIONS TO INTERVENE AND RECEIVING MOTIONS AS
COMMENTS AND AS BRIEFS *Amicus Curiae*

This matter is before the Commission upon the filing of two motions to intervene. Southeastern Lumber Manufacturers Association (Southeastern) on November 10, 1972 filed a motion to intervene in this proceeding pursuant to Section 3.14 of the Commission's Rules of Practice and Section 5(b) of the Federal Trade Commission Act. It seeks intervention for the purpose of expressing its views on the proposed settlement in the proceeding certified to the Commission by the administrative law judge on November 7, 1972. Complaint counsel on November 17, 1972 and the respondent on November 16, 1972 filed answers to Southeastern's motion to intervene.

The second motion to intervene was filed November 17, 1972 by the following corporations: Forest Sales Corporation, Greensboro Lumber Company, Burt Lumber Company, McCormick Wood Products, Inc., E. F. Cox Lumber Company, J. F. White & Sons, Inc., Culpepper Lumber Company, Wisham Hall Lumber Company, and Union Point Lumber Company. These corporations seek to intervene in this matter in accordance with Section 5(b) of the Federal Trade Commission Act and Section 3.14 of the Commission's Rules of Practice for the following stated purposes: "to raise the inadequacies of the relief set forth in the proposed settlement with respect to the Southeast in light of the activities of G-P there and the initial relief sought" (page 12, motion to intervene).

The Commission has determined, upon application made, that it is appropriate to withdraw this matter from adjudication for the purpose of considering a settlement by a consent order pursuant to Section 2.34(d) of the Commission's Rules of Practice, and the Commission is issuing simultaneously with this order an order to that effect. Since the purpose of Southeastern and of the other above-listed corporations in their motions to intervene is to comment on the proposed settlement, their motions will be received as comments and treated as *amicus curiae* briefs in connection with the Commission's consideration of the settlement proposal. The Commission, if it subsequently provisionally accepts the proposed settlement, will, while the matter is on the public record pursuant to Section 2.34(b) of the rules, further consider any

Order

81 F.T.C.

additional comments which Southeastern and the corporations listed may choose to make.

Finally, in the event the Commission does not approve the proposed settlement and the matter is returned for further adjudication, Southeastern and the listed corporations may renew their motions to intervene. In these circumstances these motions will be denied. Accordingly,

It is ordered, That the motion to intervene filed by Southeastern Lumber Manufacturers Association and the motion to intervene filed by Forest Sales Corporation, Greensboro Lumber Company, Burt Lumber Company, McCormick Wood Products, Inc., E. F. Cox Lumber Company, J. F. White & Sons, Inc., Culpepper Lumber Company, Wisham Hall Lumber Company, and Union Point Lumber Company, corporations, be, and they hereby are denied without prejudice to Southeastern and to the corporations to renew these motions in the event this matter, at some time in the future, is returned to adjudication.

It is further ordered, That such motions to intervene be, and they hereby are, received as comments and as briefs *amicus curiae* in this proceeding.

Without the concurrence of Commissioner Jones as to the provisions of this order dealing with the issues of intervention raised by these motions.

FROZEN FOOD FORUM, INC., ET AL.

Docket 8890. Order, Nov. 24, 1972.

Order rejecting (1) respondents' motion to dismiss complaint counsel's application for review of administrative law judge's order granting an application for issuance of subpoenas; (2) respondents' motion for consideration prior to any consideration of complaint counsel's application; and (3) respondents' request for a hearing and oral argument on their motion to dismiss.

ORDER REJECTING MOTIONS

On September 29, 1972, the administrative law judge issued an order granting respondents' application for the issuance of certain subpoenas in the above-captioned proceeding, and on October 17, 1972, complaint counsel filed an application for review of said order. On October 25, 1972, respondents filed a motion requesting the Commission to dismiss complaint counsel's application for review as untimely, and on November 2, 1972, respondents filed a motion requesting that prior to any consideration of complaint counsel's application for review, the Commission rule upon respondents' motion to dismiss said application. On