

IN THE MATTER OF
EXXON CORPORATION, ET AL.

Docket 8934. Interlocutory Order, July 27, 1973.

Order quashing subpoena duces tecum directed to Standard Oil Company of California without prejudice to renewal under Part 3 of the Commission's rules.

Appearances

For the Commission: *Robert E. Liedquist* and others.

For the respondent: *Turner H. McBaine* and *Wallace L. Kaapcke* of *Pillsbury, Madison & Sutro*, San Francisco, California and *David J. McKean* of *McKean, Whitehead & Wilson*, Washington, D.C.

ORDER QUASHING INVESTIGATIONAL SUBPOENA

This matter is before the Commission on a motion filed by respondent Standard Oil Company of California ("Standard of California") to quash a subpoena *duces tecum* served upon respondent by the Bureau of Competition pursuant to Section 2.7 of the Commission's Rules of Practice (Nonadjudicative Procedures). The subpoena was issued in connection with a Commission Investigatory Resolution dated December 21, 1971.

On July 17, 1973, the Commission issued under Part 3 of its Rules of Practice (Adjudicative Proceedings) a complaint in this matter against Standard of California and other petroleum

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companies. Respondent moves that the subpoena be quashed on several grounds including (1) issuance of the adjudicative complaint precludes further proceedings under the subpoena issued pursuant to the Commission's rules pertaining to Part 2 investigations, (2) the subpoena amounts to the type of investigational demand allegedly prohibited by the Commission in *All-State Industries of North Carolina*, 72 F.T.C. 1020, and (3) the subpoena is excessively burdensome.

Without reaching the question of burdensomeness,¹ it is clear that the subpoena, having been issued under Part 2 of the rules, should be quashed without prejudice to renewal by complaint counsel before an administrative law judge under the applicable provisions of Part 3 of the Commission's Rules of Practice. Accordingly,

It is ordered, That the subpoena be, and it hereby is, quashed without prejudice to renewal before an administrative law judge under Part 3 of the Commission's Rules of Practice.