

file a written report with the Commission, signed by said respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist hereby adopted by the Commission.

IN THE MATTER OF
BENEFICIAL CORPORATION, ET AL.

Docket 8922. Interlocutory Order, July 31, 1973.

Order denying respondents' motion to withdraw this matter from adjudication for the purposes of (1) entering into a consent order concerning certain issues in the case and (2) obtaining dismissal of complaint as to one respondent.

Appearances

For the Commission: *D. Fix, R. Galler, R. Friedman.*

For the respondents: *Timothy J. Bloomfield, George W. Wise, Hogan & Hartson, Washington, D.C. and Edgar T. Higgins, Beneficial Management Corporation, Morristown, New Jersey.*

ORDER DENYING MOTION TO WITHDRAW PROCEEDING FROM
ADJUDICATION

This matter is before the Commission upon a certification by the administrative law judge, filed July 13, 1973, of a motion by respondents to withdraw this matter from adjudication.

Respondents' motion was filed July 3, 1973, pursuant to Section 2.34(d) of the Commission's Rules of Practice. Withdrawal from adjudication is sought by respondents for the purpose of entering into a consent order with respect to certain of the issues in this case, and for the purpose of obtaining dismissal of the complaint as to respondent Beneficial Corporation. Complaint counsel have opposed respondents' motion, and the administrative law judge recommends that it be denied.

Section 2.34(d) of the Commission's Rules of Practice provides that withdrawal from adjudication shall be permitted only in "exceptional and unusual circumstances" and "for good cause shown." Respondents argue that "since additional issues precluded disposition of the *entire* matter by consent, Respondents have not heretofore been afforded an opportunity to seek disposition of the previously agreed-upon issues by consent." (Motion of Respondents', page 2.) We find this contention somewhat strained, inas-

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much as nearly two years elapsed between the issuance of a Proposed Complaint in this matter and its entry into adjudication. During this period respondents were surely not precluded from proposing a consent settlement with respect to less than all the issues as an alternative to proposals for a complete resolution. While withdrawal of the instant proceedings from adjudication might allow prompt settlement of certain matters at issue, it would also inevitably delay the resolution of others which may be of greater consequence. We can find no exceptional and unusual circumstances in the facts of this case to justify its withdrawal from adjudication.

For the foregoing reasons, *It is ordered*, That the motion of Beneficial Corporation and Beneficial Management Corporation to withdraw this matter from adjudication be, and it hereby is, denied.

Commissioner Dennison did not participate.

IN THE MATTER OF
GREATER KANSAS CITY GAS FURNACE &
AIR CONDITIONING COMPANY, INC., ET AL.