



ORDER DENYING APPLICATION FOR REVIEW

By order dated Feb. 20, 1974, the administrative law judge: (1) refused to reconsider his denial of respondents' motion to quash certain subpoenas *duces tecum*, and (2) pursuant to Section 3.23(b) of the Commission's Rules of Practice, granted respondents leave to file an application for review on the following question:

Whether the Commission's policy against "comprehensive postcomplaint investigations" is contravened by a subpoena demanding numerous classes of documents covering the entire life of the respondent Amterre over a span of 19 years, and relating to facts concerning the relationship between the corporate respondents as alleged in the complaint and denied in respondents' answer.

Pursuant to this order, respondents have filed such an application requesting further briefing and oral argument. Respondents further request that the Commission direct the filing of briefs within five days after acting upon the request for authorization to participate in this matter filed by Messrs. Basil J. Mezines and Glenn A. Mitchell of Stein, Mitchell and Mezines.

Upon consideration of the aforesaid application and complaint counsel's response thereto, as well as the administrative law judge's order of Feb. 20, 1974, the Commission finds insufficient reason for interlocutory review. The Commission's "policy against 'comprehensive postcomplaint investigations,'" as expressed in *All State Industries of North Carolina, Inc., et al.*, 72 F.T.C. 1020 (1967), was never intended to add to the requirements for issuance of a subpoena *duces tecum* under Part III of the Rules of Practice. *All State Industries of North Carolina, Inc., et al.*, 74 F.T.C. 1591 (1968). Despite repeated attempts to raise this policy as grounds for quashing such a subpoena, it was recently described as an administrative guideline between the Commission and its staff. *Exxon Corporation, et al.*, Order Quashing Investigational Subpoena, Docket 8934, July 27, 1973 at 2 [83 F.T.C. 223]. It does not constitute grounds for quashing the subpoenas in question. Accordingly,

It is ordered, That respondents' application for review including briefs and oral argument be, and it hereby is, denied.

IN THE MATTER OF

TRI-STATE ALUMINUM, ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF THE FEDERAL TRADE COMMISSION ACT

Docket C-2494. Complaint, Mar. 19, 1974—Decision, Mar. 19, 1974