

and views pursuant to Section 3.54(c) of the Commission's Rules of Procedures, such views to be submitted no later than May 24, 1974.

IN THE MATTER OF
EXXON CORPORATION, ET AL.

Docket 8934. Interlocutory Order, April 29, 1974

Order denying respondent's motion for relief from Commission's decision to release to certain parties, under the Freedom of Information Act, copies of transcript of prehearing conference held on Dec. 18, 1973.

Appearances

For the Commission: *Robert Liedquist.*

For the respondent: *William Simon*, Wash., D.C. and *John Chiles*, Houston, Tex.

ORDER DENYING RELIEF FROM COMMISSION DECISION

Respondent Exxon Corporation moved on Apr. 24, 1974, for appropriate relief from the Commission's decision to release to certain parties, under the Freedom of Information Act, copies of the transcript of the prehearing conference held in this matter on Dec. 18, 1973. The administrative law judge certified this motion to the Commission in accordance with Section 3.22(a) of the Commission's Rules of Practice by order of Apr. 25, 1974.

Respondent argues that the Commission's decision to release the transcript was in violation of its own Rules of Practice, particularly Section 3.21(c), which states in pertinent part that prehearing conferences "shall not be public unless all parties agree." Respondents had duly objected to the making of these prehearing conferences public at the time and the administrative law judge subsequently denied complaint counsel's motion to make them public over respondents' objections. Requests were later made to the Commission itself for disclosure of the transcript under the Freedom of Information Act, 5 U.S.C. Section 552, however, and the Commission determined, Commissioner Thompson dissenting, that it was required by that statute to grant those requests. The Commission rule cited by respondent, Section 3.21(c), does not foreclose our granting a valid request for prehearing transcripts under the Freedom of Information Act. We note that if Section 3.21(c) were inconsistent with the Freedom of Information Act, it would have to give way to that Act.

Respondent further requests that it be allowed to examine this tran-

1592 FEDERAL TRADE COMMISSION DECISIONS

Complaint

83 F.T.C.

script and indicate those portions that contain confidential business information. It has had that transcript for nearly four months, however, and was notified of the Commission's decision to release it under the Freedom of Information Act some two weeks ago. Respondent having failed to designate in its instant motion any such protected information in this transcript, the Commission sees no purpose in granting additional time for a further examination of that material. Accordingly,

It is ordered, That respondent Exxon's motion be, and it hereby is, denied.

Commissioner Thompson dissenting.