

Order

85 F.T.C.

Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF
KENNECOTT COPPER CORPORATION

Docket 8765. Order, May 5, 1975

Denial of respondent's petition to reopen the proceedings to enlarge the time for compliance.

Appearances

For the Commission: *James T. Halverson.*

For the respondent: *Arthur H. Dean, Sullivan & Cromwell, New York City. William Simon, Howrey, Simon, Baker & Murchison, Wash., D.C.*

ORDER DENYING PETITION TO REOPEN

On Apr. 1, 1975, respondent Kennecott Copper Corporation filed a "Petition to Reopen the Proceedings to Enlarge the Time for Compliance." By answer dated Apr. 25, 1975, Commission staff have filed a response thereto.

The Commission has determined to deny the petition to reopen. The grant of an extension of time within which to comply with a final order is a matter solely within the discretion of the Commission. The Commission believes that consideration of requests for extensions of time is best handled, like other facets of compliance proceedings, as part of the nonadjudicative work of the Commission. To reopen this proceeding in the manner requested would deprive the Commission of the informal advice of its compliance personnel in a matter that has traditionally been deemed particularly well suited to close and constant communication between the Commission and its staff. We see no need to adopt such a cumbersome and time-consuming approach here. We do not believe, in other words, that alleged difficulties in effecting prompt divestiture constitute the "changed conditions of fact or law" necessary to warrant reopening, nor do we believe that reopening to consider an enlargement of time for compliance would be in the public interest.¹ Therefore,

¹ It should be noted that the Commission has heretofore granted two extensions of time to respondent on the basis of requests it has made, and the Commission has traditionally granted extensions of time in appropriate circumstances without reopening the affected proceedings to do so. See Section 4.3(b) of the Commission's Rules of Practice.

WENDELKEN-SIMMINGER AND CO. t/a SIMS FURNITURE CO., ET AL831