

IN THE MATTER OF
HERTZ CORPORATION, ET AL.

Docket 9033. Order, Sept. 9, 1975

Denial of application of Investor Protective League, Inc., for review of administrative law judge's order denying its motion to intervene.

Appearances

For the Commission: *Thomas F. McNerney, William J. Murphy III and Charles G. Brown II.*

For the respondents: *Jerome Schestack, Schnader, Harrison, Segal & Lewis and Irving Kagan, Philadelphia, Pa., for Hertz Corporation. Alan S. Ward, Baker, Hostetter, Frost & Towers, Wash., D.C. for Avis Rent-A-Car System, Inc. Michael P. Sullivan, Gray, Plant, Mooty & Anderson, Minneapolis, Minn., J. Wallace Adair, Howery, Simon, Baker & Murchison, Wash., D.C. and Robert W. Bird, Minneapolis, Minn., all for National Car Rental System, Inc.*

ORDER DENYING APPLICATION FOR REVIEW

The administrative law judge, on July 23, 1975, denied a motion to intervene filed by Investor Protective League, Inc., ("Investor") pursuant to Section 3.14 of the rules of practice. On Aug. 6, 1975, Investor filed an application for review of the law judge's order under Section 3.23(a).

Before the Commission will permit intervention "it must be demonstrated that (1) the persons seeking such intervention desire to raise *substantial* issues of law or fact which would not otherwise be properly raised or argued, and (2) the issues thus raised are of sufficient importance and immediacy to warrant an additional expenditure of the Commission's limited resources on a necessarily longer and more complicated proceeding in that case, when considered in light of

Complaint

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other important matters pending before the Commission" *Firestone Tire & Rubber Co.*, 77 F.T.C. 1666, 1669 (1970).

Investor is apparently a membership corporation consisting of consumer renters of automobiles from respondents. In support of its motion before the administrative law judge, Investor claimed that it had filed a class action against respondents in the United States District Court for the Eastern District of New York (Docket No. 75 Civil 940) and that the Commission's determination will have a significant impact on Investor's lawsuit. Investor also noted that if it were made a party to the proceedings before the Commission it would have available evidence before the Commission for use in its private lawsuit. Finally, Investor suggested that it has an interest in "the type of relief granted."

Investor, however, has failed to show that it will raise before the Commission any issues, substantial or otherwise, that would not otherwise be properly raised or argued. The Commission, therefore, cannot see any reason why it should exercise its discretion to review the law judge's order. Accordingly,

It is ordered, That the application of Investor Protective League, Inc., for review of the order of the administrative law judge denying its motion to intervene be, and it hereby is, denied.
