

Order

89 F.T.C.

IN THE MATTER OF
BOISE CASCADE CORPORATION, ET AL.

Docket 8958. Interlocutory Order, Jan. 14, 1977

Commission declines to entertain motion for reconsideration by the full Commission of orders of Dec. 23, 1976, and Jan. 3, 1977, regarding extensions of time.

Appearances

For the Commission: *James C. Egan, Jr., Robert J. Enders and Roger L. Leifer.*

For the respondents: *Robert T. Johnson, Bell, Boyd, Lloyd, Haddad & Burns, Chicago, Ill., John K. Mallory, Jr., Cleary, Gottlieb, Steen & Hamilton, Washington, D.C., Frank Brewer, Portland, Ore., George J. Wade, Sherman & Sterling, New York City, Edwin S. Rockefeller, Bierbower & Rockefeller, Washington, D.C., Francis A. Kareken, Tacoma, Wash., Norman J. Wiener, Miller, Anderson, Nash, Yerke & Wiener, Portland, Ore., Edward T. Tate, Lee A. Rau and Joseph A. Rieser, Jr., Reed, Smith, Shaw & McClay, Washington, D.C. and Hammond E. Chaffetz, Kirkland & Ellis, Chicago, Ill.*

ORDER DENYING MOTION FOR RECONSIDERATION

On December 23, 1976, the Commission issued an order denying as unwarranted a motion filed by all respondents for a 60-day extension of time in which to file their appeal briefs from the initial decision and, instead, granting respondents 45 days after service of the initial decision in which to file. On January 3, 1977, the Commission rejected a separate request filed by respondent Willamette Industries, Inc., for a 60-day extension.

Respondent Willamette now moves that the Commission reconsider its January 3, 1977, order. Respondent renews and expands upon its claim that new counsel, retained to represent it on the appeal, require more time in which to familiarize themselves with the record.

It is determined that no reasons have been presented to warrant a modification of the original orders. Because this determination is properly issued in the name of the Commission pursuant to the delegation of functions published at 27 F. R. 481 (Jan. 17, 1962), the Commission declines to entertain the motion for reconsideration by the full Commission.

It is so ordered.

IN THE MATTER OF

INTERNATIONAL BUSINESS MACHINES CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT AND SEC. 8 OF
THE CLAYTON ACT*Docket C-2864. Complaint, Jan. 18, 1977 — Decision, Jan. 18, 1977*

Consent order requiring an Armonk, N.Y., marketer of data communications systems, equipment and services, among other things, to cease seating on its board of directors, individuals who simultaneously serve as directors of New York Telephone Company, American Telephone and Telegraph Company (AT&T), or any other competitive subsidiary of AT&T. Further, respondent is required to adopt and enforce certain prescribed procedures designed to detect and prevent future interlocking directorates.

Appearances

For the Commission: *Brian H. Siegel.*

For the respondent: *John W. Douglas, Covington & Burling,*
Washington, D.C.

COMPLAINT

The Federal Trade Commission, having reason to believe that the above-named respondent has violated the provisions of Section 8 of the Clayton Act and Section 5 of the Federal Trade Commission Act, and that a proceeding in respect thereof would be in the interest of the public, issues this complaint, stating its charges as follows:

PARAGRAPH 1. Respondent International Business Machines Corporation ("IBM") is a corporation organized and existing under and by virtue of the laws of the State of New York, maintaining its principal place of business at Armonk, New York. At all times relevant to this complaint, IBM had capital, surplus, and undivided profits aggregating in excess of \$1,000,000. In 1975, IBM had revenues of approximately \$14.4 billion.

PAR. 2. New York Telephone Company ("New York Telephone") is a corporation organized and existing under and by virtue of the laws of the State of New York, maintaining its principal place of business at New York, New York. At all times relevant to this complaint, New York Telephone had capital, surplus, and undivided profits aggregating in excess of \$1,000,000. In 1974, New York Telephone had revenues of approximately \$3.2 billion. New York Telephone is a 100 percent owned subsidiary of American Telephone & Telegraph Company ("AT&T").