

INTERLOCUTORY, MODIFYING, VACATING, AND MISCELLANEOUS ORDERS

IN THE MATTER OF **1-800 CONTACTS, INC.**

Docket No. 9372. Order, January 31, 2019

Order, *suo motu*, *nunc pro tunc*, extending the final and effective date of the Final Order.

ORDER STAYING EFFECTIVE DATE OF FINAL ORDER

By this Order, we, on our own motion, extend the final and effective date of the Final Order in this matter until March 1, 2019.

The Final Order was set to become final and effective on January 25, 2019. On December 10, 2018, Respondent filed an application to stay the Final Order pending judicial review. Complaint Counsel opposed that application on December 18, 2018.

Commission Rule 3.56 provides that the Commission ordinarily shall issue a ruling on an application to stay within 30 days after the application is filed.¹ On December 28, however, the lapse in appropriations and subsequent shutdown of ordinary agency operations rendered it impossible for the Commission to resolve the pending application for a stay while the shutdown continued.

In light of the prolonged shutdown of agency operations, the Commission has determined to extend its time to issue its ruling on Respondent's application until on or before February 14, 2019.

Further, in order to allow the Commission sufficient time to address the stay motion before any judicial stay proceedings become necessary, and out of fairness to the parties, we stay the effective date of the Final Order until March 1, 2019. This stay is retroactive to January 25, 2019, the original effective date.

IT IS HEREBY ORDERED, *nunc pro tunc*, that the final and effective date of the Final Order is stayed from January 25, 2019, to March 1, 2019.

By the Commission, Commissioner Wilson not participating.

¹ *Accord* 16 C.F.R. § 3.56(b). *See also* 15 U.S.C. § 45(g)(2)(B).

Interlocutory Orders, Etc.

IN THE MATTER OF

**LINDE AG,
PRAXAIR, INC.,
AND
LINDE PLC**

Docket No. C-4660. Order, January 31, 2019

Letter approving the petition of Linde AG, Praxair, Inc., and Linde PLC to divest certain gases assets to Celanese Corporation.

LETTER ORDER APPROVING DIVESTITURE OF CERTAIN ASSETS

Thomas McGrath
Linklaters LLP

Re: *In the Matter of Linde AG, Praxair, Inc., and Linde PLC*, Docket No. C-4660.

Dear Mr. McGrath:

This is in reference to the petition for the approval of the proposed divestiture of certain assets filed by Linde AG, Praxair, Inc., and Linde PLC (collectively “Linde”) and received on November 9, 2018 (“Petition”). Pursuant to the Decision and Order in Docket No. C-4660, Linde requests prior Commission approval of its proposal to divest certain gases assets to Celanese Corporation (“Celanese”).

After consideration of Linde’s Petition and other available information, the Commission has determined to approve the proposed divestiture as set forth in the Petition. In according its approval, the Commission has relied upon the information submitted and the representations made by Linde and Celanese in connection with the Petition and has assumed them to be accurate and complete.

By direction of the Commission, Commissioner Chopra abstaining.