

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)	
)	
INTEL CORPORATION,)	DOCKET NO. 9288
)	
a corporation.)	

ORDER DENYING COMPLAINT COUNSEL’S APPLICATION FOR
IN CAMERA TREATMENT OF FOUR PAPERS CONTAINING MATERIAL FROM
COMPLAINT COUNSEL’S SUPPLEMENTAL RESPONSES AND OBJECTIONS
TO RESPONDENT’S FOURTH SET OF INTERROGATORIES AND
COMPLAINT COUNSEL’S SUPPLEMENTAL RESPONSES AND OBJECTIONS
TO RESPONDENT’S FIRST SET OF REQUESTS FOR ADMISSION

Complaint counsel has filed an application for *in camera* treatment of four papers containing material from Complaint Counsel’s Supplemental Responses and Objections to Respondent’s Fourth Set of Interrogatories and Complaint Counsel’s Supplemental Responses and Objections to Respondent’s First Set of Requests for Admission. The papers at issue are: (1) Motion of Respondent Intel Corporation to Compel Complaint Counsel to Respond to Interrogatory (Dec. 7, 1998); (2) Complaint Counsel’s Opposition to Intel’s Motion to Compel Complaint Counsel to Respond to Interrogatory (Dec. 14, 1998); (3) Intel Corporation’s Application to Strike Confidentiality Designation (Dec. 14, 1998); and (4) Complaint Counsel’s Opposition to Intel’s Application to Strike Confidentiality Designation (Dec. 23, 1998) (the “four papers”).

The party requesting *in camera* treatment has the burden of showing clearly defined, serious injury and the unusual and exceptional circumstances providing good cause for the treatment. Rule 3.45; H.P. Hood & Sons, Inc., 58 F.T.C. 1184, 1188 (1961). Rule 3.45 and case law in proceedings before the Federal Trade Commission show that *in camera* orders are not to be lightly granted:

One reason for the requirement that proceedings of this sort be decided ‘on the record’ is to permit the public to evaluate the fairness and wisdom with which the decisions of public agencies have been made, and to permit affected parties to

draw guidance from those decisions in determining their future conduct. This consideration mandates that to the maximum extent possible, information of relevance to the Commission's determination be made part of the record available for public inspection. At the same time, *in camera* treatment of certain relevant information may be appropriate where the prospective injury from disclosure outweighs the public interest in full knowledge.

RSR Corporation, DOCKET 8959, Order Withdrawing *In Camera* Treatment, issued November 2, 1976. Here, complaint counsel have not met their burden of showing that public disclosure of the four papers will likely result in a clearly defined, serious injury.

IT IS HEREBY ORDERED that complaint counsel's Application is DENIED.

IT IS FURTHER ORDERED that the four papers, together with all attachments and exhibits thereto, shall not be maintained under seal and shall be available as part of the public record.

James P. Timony
Administrative Law Judge

Dated: January 22, 1999