## UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of	)	
UNION OIL COMPANY OF CALIFORNIA, Respondent.	) ) ) )	CKET NO. 9305

## ORDER EXTENDING THE ONE YEAR DEADLINE FOR FILING THE INITIAL DECISION

Commission Rule 3.51(a) requires that initial decisions be filed within one year following the issuance of the complaint, but allows the Administrative Law Judge to extend the one year deadline by an additional period of up to sixty days, upon a finding of extraordinary circumstances. 16 C.F.R. § 3.51(a). Such extension, upon its expiration, may be continued for additional consecutive periods of up to sixty days, provided that each additional period is based upon a finding by the Administrative Law Judge that extraordinary circumstances are still present. 16 C.F.R. § 3.51(a).

The Complaint in this matter was issued on March 4, 2003. On November 25, 2003, an Initial Decision was filed pursuant to Rule 3.22(e) of the Commission's Rules of Practice which requires that "[w]hen a motion to dismiss a complaint . . . is granted with the result that the proceeding before the Administrative Law Judge is terminated, the Administrative Law Judge shall file an initial decision in accordance with the provisions of § 3.51. 16 C.F.R. § 3.22(e). Complaint Counsel appealed the November 25, 2003 Initial Decision to the Commission.

While the case was before the Commission, the one year from the filing of the Complaint date, March 4, 2004, passed. The Commission issued its opinion reversing the November 25, 2003 Initial Decision on July 6, 2004. The length of time between November 25, 2003 and July 6, 2004 is 224 days. One year from the issuance of the Complaint plus the 224 days the case was before the Commission is October 14, 2004.

The final pre-hearing conference was held on October 13, 2004. Trial is scheduled to commence on October 19, 2004. It is, therefore, not possible to issue an initial decision by October 14, 2004. Accordingly, extraordinary circumstances are present. The one year deadline

is hereby extended from October 14, 2004 by an additional period of sixty days, extending the deadline for filing the Initial Decision in this case to December 13, 2004.

ORDERED:

D. Michael Chappell

Administrative Law Judge

Date: October 14, 2004