



**IT IS ORDERED THAT** Respondent's Motion to Dismiss on state action grounds be, and it hereby is, denied;

**IT IS FURTHER ORDERED THAT** Respondent's Motion to Dismiss on mootness grounds be, and it hereby is, held in abeyance;

**IT IS FURTHER ORDERED THAT** the Commission shall retain jurisdiction of this matter, pursuant to Commission Rule 3.42(a), 16 C.F.R. § 3.42(a); and

**IT IS FURTHER ORDERED THAT** the mootness issues raised by Respondent's Motion to Dismiss be, and they hereby are, referred to Chief Administrative Law Judge Stephen J. McGuire or his designee for further proceedings in accordance with the accompanying Opinion, including in particular (1) the conduct of limited discovery, for a period not to exceed ninety (90) days from the date of issuance of this Order; and (2) the preparation of findings of fact and an initial decision addressing the likelihood that the Respondent may engage in future unlawful conduct under the 2003 South Carolina statute. For purposes of this proceeding, the deadline for filing the initial decision shall be determined and if necessary extended as prescribed by Commission Rule 3.51(a), 16 C.F.R. § 3.51(a), except that the deadline shall in no event be any earlier than January 31, 2005.

By the Commission.

Donald S. Clark  
Secretary

SEAL  
ISSUED: July 28, 2004