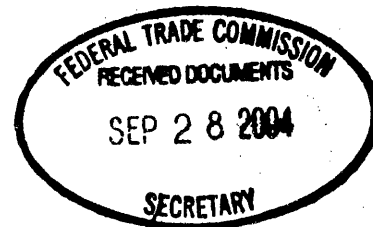


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of )  
)  
)

UNION OIL COMPANY OF )  
CALIFORNIA, )  
Respondent. )

Docket No. 9305

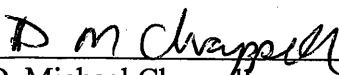
**ORDER ON *IN CAMERA* MOTION FILED BY NON-PARTY TESORO**

On October 15, 2003, non-party Tesoro Petroleum Corporation (“Tesoro”) filed a motion seeking *in camera* treatment. Tesoro seeks *in camera* treatment for RX 173. No oppositions to Tesoro’s motion have been filed.

As described by the motion filed by Tesoro, the identified exhibit contains highly sensitive and confidential information regarding Tesoro’s production capabilities which, if disclosed, would cause serious injury to Tesoro. Motion at 1. Tesoro’s motion does not make clear the length of time for which *in camera* treatment is sought. Requests for indefinite *in camera* treatment must include evidence to provide justification as to why the document should be withheld from the public’s purview in perpetuity and why the requestor believes the information is likely to remain sensitive or become more sensitive with the passage of time. *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 109 at \*3 (Apr. 23, 2004); see *In re E.I. Dupont de Nemours & Co.*, 97 F.T.C. 116, 1990 FTC LEXIS 134 at \*2. (Jan. 21, 1981). To meet its heavy burden of demonstrating that public disclosure of the document will result in clearly defined, serious injury, Tesoro must provide an affidavit or declaration. *North Texas Specialty Physicians*, 2004 FTC LEXIS 109 at \*4 (Apr. 23, 2004).

Tesoro’s request for *in camera* treatment does not attach a declaration or affidavit and therefore is DENIED WITHOUT PREJUDICE. Tesoro has until October 5, 2004 to file a renewed motion for *in camera* treatment which includes a declaration or affidavit in support of its motion.

ORDERED:

  
D. Michael Chappell  
Administrative Law Judge

Date: September 28, 2004