

**PROPOSED ORDER**

**PUBLIC**

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Timothy J. Muris, Chairman**  
                                 **Mozelle W. Thompson**  
                                 **Orson Swindle**  
                                 **Thomas B. Leary**  
                                 **Pamela Jones Harbour**

**In the Matter of**

**Union Oil Company of California,  
a corporation.**

**Docket No. 9305**

**ORDER REVERSING AND VACATING THE INITIAL DECISION AND ORDER  
AND REMANDING THIS MATTER FOR FURTHER PROCEEDINGS**

The Commission has heard the appeal of Counsel Supporting the Complaint from the Initial Decision dismissing the Complaint with prejudice and has considered the briefs and oral arguments in support of and in opposition to the appeal. The Commission has determined that it has jurisdiction over this matter, and that -- based on the allegations in the Complaint -- the *Noerr-Pennington* doctrine does not apply to this matter. For the reasons stated in the accompanying Opinion of the Commission, the Commission has determined to reverse and vacate the Initial Decision and the Order accompanying it, and to remand this matter for further proceedings. Accordingly,

IT IS ORDERED that the Initial Decision granting Respondent's motion to dismiss the Complaint with prejudice be and it hereby is reversed and vacated, and that the Order accompanying the Initial Decision be and it hereby is reversed and vacated;

IT IS FURTHER ORDERED that this matter be and it hereby is remanded to an Administrative Law Judge for further proceedings in accordance with this Order and the accompanying Opinion, including the taking of testimony, the receipt of evidence, and the performance of all other duties as authorized by law in accordance with the Commission's Rules; and

IT IS FURTHER ORDERED that the trial shall commence as soon as practicable.

By the Commission.

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Secretary