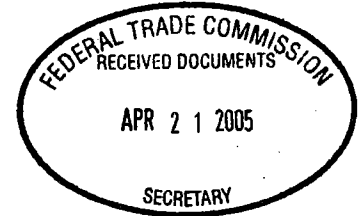


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)
)

UNION OIL COMPANY OF)
CALIFORNIA,)
Respondent.)
_____)

DOCKET NO. 9305

**CERTIFICATION FOR EXTENSION
OF TIME TO FILE INITIAL DECISION**

Rule 3.51(a) of the Commission's Rules of Practice states that an initial decision shall be filed "within ninety (90) days after closing the hearing record pursuant to § 3.44(c) . . . or within such further time as the Commission may by order allow upon written request from the Administrative Law Judge." 16 C.F.R. § 3.51(a). Pursuant to Commission Rule 3.44(c), the hearing record was closed on February 3, 2005. Ninety days from the close of the record is May 4, 2005. For the reasons set forth below, pursuant to Rule 3.51(a), an extension of time until September 9, 2005 for filing the Initial Decision in this case is necessary and is requested.

Rule 3.51(a) also states that an initial decision shall be filed within one year "after the issuance of the administrative complaint, except that the Administrative Law Judge may, upon a finding of extraordinary circumstances, extend the one-year deadline for a period of up to sixty (60) days." 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. The Commission issued an Opinion and Order Reversing and Vacating the Initial Decision and Order and Remanding For Further Proceedings on July 6, 2004. The case was on appeal before the Commission for 224 days (from November 25, 2003 to July 6, 2004). Adding this 224 day period to the date of one year from the issuance of the Complaint resulted in a deadline of October 14, 2004. By Orders dated October 14, 2004, December 13, 2004, February 11, 2005, and April 14, 2005, the one-year deadline has been extended by four additional periods of sixty days.

The trial in this matter commenced on October 19, 2004 and concluded on January 28, 2005. Closing arguments have not yet been heard. Over 1,000 exhibits were admitted, 78 witnesses testified, either live or through deposition, and the trial transcript totaled 8,638 pages.

Due to the length of the trial transcript, the number of deposition transcripts submitted in lieu of live testimony, the number of exhibits, and the complexity of the issues, the parties requested adequate time to file their post trial briefs and proposed findings of fact and replies thereto. In seeking sufficient time to file their briefs and proposed findings, the parties indicated on the record that they would not oppose an extension of the deadline for filing the Initial Decision.

By Order dated February 3, 2005, the parties were given a period of five weeks for filing post trial briefs and proposed findings of fact, and a period of five weeks for filing concurrent replies thereto. After filing their opening briefs and proposed findings, the parties filed a joint motion to extend the deadline for filing their concurrent reply briefs and replies to proposed findings of fact. By Order dated March 23, 2005, the joint motion was granted and the deadline for filing replies to post trial briefs and proposed findings of fact was extended to May 11, 2005.

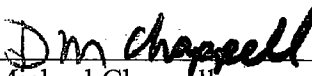
On April 19, 2005, Complaint Counsel filed an unopposed motion requesting an additional sixty day extension of time for filing reply briefs and replies to proposed findings of fact for reasons relating to ChevronTexaco's recently announced proposed acquisition of Respondent Union Oil Company of California ("Unocal"). By Order dated April 20, 2005, that unopposed motion was granted. Both parties' reply briefs and replies to proposed findings of fact are due by July 11, 2005.

Although Commission Rule 3.51(a) requires that an initial decision be issued within 90 days from the close of the record, providing the parties with reasonable time to prepare their briefs, proposed findings, and replies thereto, and accommodating Complaint Counsel's additional extension request has required more than the allowed 90 days.

Rule 3.51(c) requires that an initial decision "shall include a statement of findings (with specific page references to principal supporting items of evidence in the record) and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record . . . and an appropriate rule or order."

Completing the Initial Decision requires a thorough review of the voluminous record, extensive research, and careful consideration and analysis of the proposed findings, the parties' briefs, and relevant legal issues. The parties' opening post trial briefs are over 600 pages. Complaint Counsel filed nearly 5,000 proposed findings of fact and Respondent filed nearly 2,000 proposed findings of fact. The parties' reply briefs and replies to proposed findings of fact must also be reviewed and considered. These replies have yet to be filed and are currently due by July 11, 2005.

For the above stated reasons, additional time is necessary to prepare the Initial Decision in this case. Accordingly, the Commission is requested to extend the time for filing the Initial Decision to September 9, 2005, which is 60 days from the parties' filing of reply briefs and replies to findings of fact.


D. Michael Chappell
Administrative Law Judge

Date: April 21, 2005