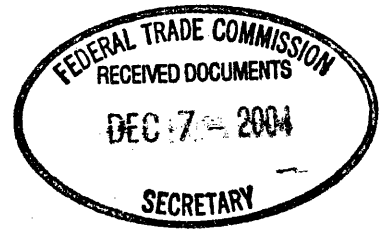


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES



\_\_\_\_\_  
In the Matter of )  
 )  
 )

UNION OIL COMPANY OF )  
CALIFORNIA, )  
Respondent. )  
\_\_\_\_\_ )

DOCKET NO. 9305

**ORDER ON RESPONDENT'S MOTION FOR  
ISSUANCE OF SUBPOENA *AD TESTIFICANDUM***

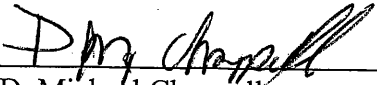
On December 6, 2004, Respondent, pursuant to Rule 3.36 of the Commission's Rules of Practice, filed a motion for the issuance of a subpoena commanding Dean Simeroth, an employee of a governmental agency, the California Air Resources Board ("CARB"), to attend and give testimony at the adjudicative hearing in this matter. Complaint Counsel does not oppose Respondent's motion.

A party requesting the issuance of a subpoena *ad testificandum* must demonstrate the "reasonable relevancy" of the expected testimony. 16 C.F.R. § 3.34(a)(2). A party requesting the issuance of a subpoena for the appearance of officials or employees of governmental agencies other than the Federal Trade Commission must, in addition, demonstrate that the material sought is reasonable in scope and that the information sought cannot reasonably be obtained by other means. 16 C.F.R. § 3.36(b).

Respondent's motion provides a description of the intended testimony of Simeroth. In addition, Respondent has represented that Simeroth is on Respondent's final witness list. Respondent has also demonstrated that Simeroth is located in the United States.

Based on the description provided, the testimony sought appears to be reasonably relevant, the material sought is reasonable in scope, and the information sought cannot reasonably be obtained by other means. Accordingly, Respondent's motion is GRANTED.

ORDERED:

  
\_\_\_\_\_  
D. Michael Chappell  
Administrative Law Judge

Date: December 7, 2004