

I see no reason why in the world we could consider in this case the decree entered into between the Department of Justice and this respondent. I take it that the Commission can stand upon its own pleading in this case and if proven can issue an order without in any way considering the consent decree. I so hold.

MR. SMITH: We renew the objection of counsel for respondent in answer to the suggestion made by counsel for the Commission on that this matter shall be ruled upon at the final hearing. Respectfully calling attention to the fact that, if at the final hearing the evidence should be admitted, then Counsel for the respondent having closed his testimony has no opportunity to meet it. We therefore object to any such method of offering exhibits, the admission of same to be determined as at the final hearing, because that procedure is a plain violation of the constitutional and other rights of the respondent company.