

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN GROUND FAULT CIRCUIT
INTERRUPTERS AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-739

**ORDER NO. 52: INITIAL DETERMINATION GRANTING COMPLAINANT
LEVITON MANUFACTURING CO., INC.'S MOTION FOR
TERMINATION OF RESPONDENT COLEMAN CABLE**

(June 24, 2011)

On June 16, 2011, Complainant Leviton Manufacturing Co., Inc. ("Leviton") filed a motion (739-054), pursuant to 19 C.F.R. § 210.21(a), to terminate this Investigation with respect to Respondent Coleman Cable ("Coleman") on the basis of withdrawal of its allegations as to Coleman. The Commission Investigative Staff and Respondent The Designers Edge ("TDE") support the motion. (Mot. at 1.) The remaining respondents have indicated they take no position on Leviton's motion. (*Id.*)

On April 28, 2011, Leviton filed a motion to add Coleman as a respondent to this Investigation due to its acquisition of TDE, which was granted on May 19, 2011. (*See* Order No. 47 (May 19, 2011).) On June 9, 2011, the Commission determined not to review Order No. 47. After Leviton filed its motion, Leviton learned that "as a part of its acquisition [of TDE], Coleman has not purchased any of TDE's GFCI assets." In light of this information and in order to streamline the remainder of the Investigation, Leviton is now moving to terminate Coleman as a respondent to this Investigation. (Mot. at 1.)

The Commission's Rules provide that:

Any party may move at any time prior to the issuance of an initial

determination on violation of section 337 of the Tariff Act of 1930 for an order to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein. ... A motion for termination of an investigation based on withdrawal of the complaint shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion. ... The presiding administrative law judge may grant the motion in an initial determination upon such terms and conditions as he deems proper.

19 C.F.R. § 210.21(a)(1). The Commission has further stated that “in the absence of extraordinary circumstances, termination of the investigation will be granted to a complainant during the prehearing stage of an investigation.” *Certain Ultrafiltration Sys. and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Comm’n Action and Order at 2 (Mar. 11, 1982).

In satisfaction of Commission Rule 210.21(a), Leviton submits that “[t]here are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” (Mot. at 1.) Leviton asserts that motions to terminate an investigation based on withdrawal of the complaint are usually readily granted and that public policy supports termination in order to conserve public and private resources. (Mem. at 2-3.) Leviton further asserts that “good cause exists for permitting termination, as the inclusion of an additional party is not necessary given that Coleman Cable has determined not to acquire the products at issue in this Investigation.” (*Id.*) The undersigned agrees with Complainant, finding no extraordinary circumstances to exist that would prevent the requested termination of Coleman from this Investigation. The undersigned further finds that Complainant has fully complied with the requirements of Commission Rule 210.21(a).

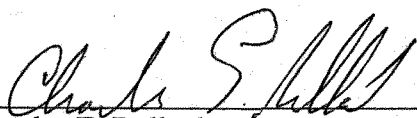
Accordingly, it is the Initial Determination of the undersigned that Leviton's motion (739-054) to terminate this Investigation as to Respondent Coleman Cable be GRANTED. This Initial Determination is hereby certified to the Commission.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall be the determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein.

Within seven days of the date of this document, each party shall submit to the Office of the Administrative Law Judges a statement as to whether or not it seeks to have any portion of this document deleted from the public version. The parties' submissions may be made by facsimile and/or hard copy by the aforementioned date.

Any party seeking to have any portion of this document deleted from the public version thereof must submit to this office a copy of this document with red brackets indicating any portion asserted to contain confidential business information. The parties' submissions concerning the public version of this document need not be filed with the Commission Secretary.

SO ORDERED.




Charles E. Bullock
Administrative Law Judge

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CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **INITIAL DETERMINATION / ORDER NO. 52** has been served upon, **Aarti J. Shah, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and or air mail where necessary on July 7, 2011.


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**FOR RESPONDENTS SHANGHAI ELE MANUFACTURING; SHANGHAI JIA AO
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