

of Idaho Power if and when a certain contract, based on the sale of surplus power to Utah Power & Light Co., went into effect. That contract went into effect while this present Commission was sitting, in 1961. It is another one of the sales of surplus power at dump rates.

I pointed out that this Commission has an obligation to do that which the former Commission said should and would be done when that surplus power contract went into operation.

Now, the previous Commission, as we all know, was criticized strongly for its inaction and for its lethargy, and a great many other things. Here is a situation where that Commission was prepared to act and had notified the company that it would act. And I tried to persuade my colleagues that under the circumstances we must act. And I advocated that the securities be authorized, but that, as the law permits us to do, we put a conditioning restraint on the use of that money; namely, that we not allow it to be spent on the construction of a third dam until we had investigated and made sure that that third dam would not damage the public interest by aggravating the already serious surplus problem of Idaho Power.

I also pointed out that if the Bonneville Administration extends its marketing territory to the State of Idaho, no one can predict when, if ever, Idaho Power will be able to market in an orderly fashion the power from its existing dams, let alone a new dam.

Now, gentlemen, problems of this kind, when they are raised on a factual basis, pose the need for investigation to determine the seriousness of them. And investigation is not a punitive action. It is not a damaging action. It is nothing more than a determination of the facts to find out whether a certain action should be taken.

You will find when you read this order that it is a simple boilerplate order, a standard finance issuance order, accompanied by a seven-page dissent raising grave problems of public policy and the protection of the public. And there is not one word of response from my colleagues, not one word of explanation as to why this Commission is not willing to do what the previous members of the Commission said could be done, should be done, and would be done.

Now, let me emphasize again, gentlemen, that you cannot disagree with actions or inactions of people without seeming in the eyes of some to be attacking them or criticizing them personally. I want to assure you, it is not my intention to do that, and I am not doing that. It is in the nature of disagreement that when you disagree strongly, some people feel that there is a personal element in it. I assure you, that is not so. This case which I have discussed briefly here, and which you can read in 5 minutes, is an example of what I have been talking about, and is an example of what I mentioned in my letter to the President.

I hope this clarifies the matter somewhat for you.

The CHAIRMAN. Well, Commissioner, I can understand why differences of opinion will develop between people as to any problems. If Congress had not had that in mind they never would have made these agencies into commissions, agencies of the Government, they would have just given them one man to run as he in his own judgment saw fit to run.

That, of course, leads me to the second broad general question for your explanation, in the dissent in this particular case, of what caused you to arrive at your decision.