

Five, the same must be said of the problem of tax consolidations, but I shall not elaborate on this point because it involves cases now pending for decision, other than to say here again we should have acted years ago.

Six, the unprecedented action of the Commission in setting up, with my reluctant concurrence, technical advisory committees representing the electric and natural gas industries, has raised the gravest questions regarding improper influence by industry directly upon the Commission and its staff. These committees have some value, and I emphasize that they do have some value. But I am not persuaded that the value is sufficient, to offset the dangers to the Commission's integrity.

If these advisory committees are not abolished, each of them should be broadened to include more consumer and outside independent interests, such as labor, the universities, genuinely independent Commission staff members; and should contain representatives of all other industries serving as energy sources.

Their meetings should be open to the press and the public, even though this may require such committees to meet in a public auditorium.

Seven, the Commission's regulation prohibiting ex parte communications with Commissioners and other employees involved at the decisionmaking level, concerning cases in litigation before us, should be broadened to prohibit improper communications with those members of the staff who are charged with participation in such cases in behalf of the public interest.

If such staff presentations are altered or weakened as the result of industry pressure, the public's side of the case obviously will be poorly presented, and this will have an inescapable impact on the quality of the decision which finally emerges from the record thus made.

Such a prohibition, in my opinion, would add to the independence of the staff, and perhaps this would obviate the creation of a needed public defender panel within the staff for presentation of the public's case, as has often been recommended.

Eight, the Federal Power Commission is charged with the responsibility of close liaison with other governmental agencies, but the liaison is not close enough or cooperative enough to enable the Commission to adjudge properly the impact of its actions on the programs set up by the Congress to be administered by those other agencies.

Further, the liaisons presently existing are tinged and colored by jurisdictional rivalry and squabbling of the most pettifogging nature, with the result that the attempts at coordination contain within them the seeds of interagency discord.

In my opinion, this is one of the gravest failures of all of the regulatory agencies, as many reports have pointed out, and steps should be taken by the Congress to deal with the problem of interagency policy formulation.

Nine, the Federal Power Commission and, in my opinion, all other regulatory agencies need more insulation not only from the blandishments and enticements of the industries they regulate, such as ex parte communications, offers of future jobs, and so on, but also more insulation from uncertainties with respect to reappointment, reconfirmation, and the like.