

your dissent in fairness to the public and in the public interest you should have brought that up?

Mr. MORGAN. Let me say this—and I started to get into this matter yesterday. It isn't necessarily a bad thing when it is mentioned, as it frequently is by Commissioners and staff and lawyers, that a proposed action of the Commission would be disturbing to industry. I would say the majority of things we do are disturbing in greater or lesser degree. This is present in almost all cases. The question is whether the proposed action is sufficiently needed by the general public to justify disturbing or upsetting or altering the pattern of business management. Sometimes it is absolutely necessary. Other times the proposed action is so obviously trivial that it isn't worth the trouble. There are borderline cases, too.

Now, as I recall it—and my memory is refreshed since I testified yesterday—there were two points raised about this Idaho Power proposed investigation. One point was that the company had enough grief on its hands already, and perhaps would be disturbed to the point where it might suffer if public attention were called to its difficulties. And the other point was that the Idaho Public Utilities Commission had a rate case underway involving Idaho Power, and also a discrimination complaint brought against it by one of its big customers in Idaho.

And the statement was made by, I think, staff attorneys, and by one or two commissioners, that we ought to wait and see what the Idaho Utilities Commission did about the intrastate rates before we did anything about the interstate rates.

As you will see in my dissent, I pointed out that a section of the Federal Power Act enables us to conduct joint hearings with a State public utility commission. And I advocated that we should do this, for the simple reason that if discrimination was involved in the matter, those portions of the rates lying within the State of Idaho were beyond our reach, and those portions of the wholesale rates lying outside the State of Idaho were beyond the Idaho Utilities Commission's reach, and I argued that under the Federal Power Act we should investigate jointly with the Idaho Commission and work out both sets of rates at the same time.

I still feel that way. But the consensus of opinion was—and I think it was based mainly on not wishing to disturb or annoy the company—not to take any action.

Nothing is set forth, no discussion on the part of the majority in the order. And I didn't see fit, or deem it appropriate, to comment in writing on oral comments made by my colleagues and the staff, since they declined to commit any of their thoughts to writing.

So that is why it is absent from my dissent.

Mr. YOUNGER. Do you think it would have been more disturbing to the industry if you had developed the facts back of this decision and put them in writing than was caused by your dissent in the way in which you did it?

Mr. MORGAN. I am not sure I understand that. Do I understand you to feel that my dissent was disturbing to the company?

Mr. YOUNGER. No; I say do you feel that if you had made a statement in your dissent the same as you made before the committee yesterday as to why the decision was reached, would it have disturbed the industry any more than the dissent which you did write?