

Mr. SWIDLER. Mr. Younger, I think Mr. Morgan was quite right in saying that we had both attempted to suppress these problems so that we could work together. We are, after all, on the same Commission, we must meet and we must dispose of our cases and I think we have managed, everything considered, to do our jobs.

Mr. YOUNGER. If I understood you correctly this morning, I would infer that Mr. Morgan wanted to use the authority of the Commission in a punitive way in connection with the approval of the finances.

Mr. SWIDLER. Mr. Younger, I did not use the word "punitive" and I am not sure that that would be accurate. But I think that the dissents reveal that he did want to use the jurisdiction over stock issues in order to develop many collateral lines of investigation and many other collateral problems. In connection with the *Idaho Power Company* security issue case, for example, that was to be the instrument to go into the question of their progress on Hells Canyon, their retail power rates as well as their wholesale power rates, their depreciation policy, the fish problem on the Columbia River, and many other things.

Now, this is a different approach from that of the rest of the Commission, which feels that it should make a calculated decision on the best way to use our staff and not launch off into investigations merely because a company files a security issue application, and which feels that the use of security issue jurisdiction for leverage purposes is something that should not be extended unreasonably.

Mr. YOUNGER. I know you used the word "leverage," but I had used the word "punitive," because I think usually when you want to use the leverage, and when you find a bureaucrat that wants to use a leverage of that kind to accomplish some personal idea that he might have, it is done in a punitive way.

He has that motive in the background. And that is one of the difficulties that we are having today with regulatory agencies when they use one right to try to get at something else which has been denied them.

And I think that is one of the weaknesses.

Mr. SWIDLER. I just want to make it clear that I do not say that this was punitive. I simply say that this was beyond the proper exercise of our powers, and not an effective use—an effective way to use available manpower.

Mr. YOUNGER. Did you say at any time during the consideration of the *Idaho* case that you did not want to go into the investigation of the items Mr. Morgan had suggested because it would be damaging to the company and to the industry?

Mr. SWIDLER. No, sir—no, sir.

Mr. YOUNGER. Did you hear any member of the Commission make that remark in private when you were considering it?

Mr. SWIDLER. No, sir.

The only statement that I have made, and I think if any statements were made, they must be mine, is that if we acted beyond our jurisdiction, we would forfeit the respect of the industry upon which our own effectiveness depended.