

Pacific Power & Light Company) Docket Nos. E-7024 and E-7025
April 12, 1962

MORGAN, Commissioner, dissenting:

"To be, not merely to seem" must be the objective of every regulatory agency deserving of public confidence and respect. A Commission content with mere seeming, as in this case, substitutes ceremony and ritual for that perceptive, vigilant guardianship of the public interest expected of the great regulatory commissions of the United States.

In this order, which seemingly is concerned only with a routine security issue, the staff and majority of the Commission seem to have dealt alertly with all those technical details possibly entailing later difficulty or unnecessary public expense. The "findings" of the majority seem to indicate that thorough investigations were made at both State and Federal levels. Thus the unknowing reader of this order would never suspect the truth: that there has been no meaningful investigation of all the proposed construction to be financed by this security issue by any agency at any level. Who, reading this order, would imagine that no member of the Commission and no member of the staff is presently able to attest from his own knowledge whether any of the projects are in fact "compatible with the public interest" as the law plainly requires and as the order blandly recites?

What private citizen or public official, after reading the order -- or, for that matter, after reading the preliminary public Notice of Application 1/ circulated among the various Commissions and Governors of the States in which Pacific Power & Light Company operates -- would dream that one of the projects proposed to be financed by this issue of securities is an inadequate, highly controversial, and financially questionable substitute for the extra-high-voltage intertie between the Bonneville Power Administration and the Central Valley project in California recently proposed by the Department of the Interior and scheduled for consideration by the current session of Congress?

Does a public notice which fails to notify the public concerning a fact of that magnitude actually offer "opportunity for hearing" under the Federal Power Act? I hold that it does not.

While applicant had publicly discussed its proposed line in a general way by means of press announcement as long ago as last January, neither the general public nor public officials in the affected States regarded the proposal as a device for exporting BPA surplus to California or understood that the proposed construction was involved in the finance issue here under discussion. Thus the Commission's Notice of Application,

1/ Appendix A attached hereto.