

Pacific Power & Light Company ) Docket Nos. E-7024 and E-7025

MORGAN, Commissioner, dissenting further:

On March 28, 1962 the Commission published orders in these dockets authorizing, as of that date, the issuance of securities for the purpose of financing a number of projects, including a particular transmission line from Klamath Falls, Oregon to Round Mountain, California which was, and remains, a highly questionable undertaking. Because of the importunities of the applicant and its associates in the financial community, the majority of this Commission were anxious to issue their order on March 28, without waiting for my dissent to be prepared, and as noted in the order I consented to that arrangement.

Because the order was effective as of March 28 and time for appeals for reconsideration or a hearing was running, I prepared my dissent as rapidly as possible, filed it with the Secretary of the Commission on April 3, and on that date distributed copies to the Governors, Senators, Congressmen and Public Utility Commissions of the states involved so that they might have prompt understanding of the important questions bearing on the public interest which theretofore had been obscured, both by the Commission's earlier "public notice" and by the order.

Acting under instructions not concurred in by me, the Commission's Secretary thereafter withheld my dissent from publication by the Commission while the majority prepared an opinion attempting to explain their position in the case. After post-dating it to April 12, the Secretary published my dissent on that date, and the majority opinion was published five days later, on April 17, while I was in Canada fulfilling a speaking engagement. This procedure, involving the post-dating of my dissent which had not been agreed to by me, created a situation giving the unavoidable impression that the dissent and the majority opinion had been exchanged for examination by the respective authors prior to publication, and that arguments made in the majority opinion and unanswered in the dissent were either unanswerable or were acceptable to me.

That any such impression can only be wholly false is clear from the foregoing statement of the facts.

Further, as I shall show, the focus of the majority opinion was so narrowly directed toward rationalization of the majority's position, rather than toward the public interest, that it repeatedly distorted the facts, the law, and common logic and, as an end result, virtually emasculated Section 204 of the Federal Power Act which sets forth the Commission's responsibilities with respect to security issues. Since this was the first and only occasion on which the Federal Power Commission has ever expatiated on its powers and duties under Section 204,