

The majority's response to this was dramatic, if nothing else. After boldly retreating from one of the plain standards set up by Section 204 (a) of the Act (requiring us to "find," before approving an issue of securities, that the project on which the proceeds are to be expended will not "impair" the performance of public utility service), the majority erected their own standard in its place by fancifully embroidering the standard set up by Congress. This new standard turned out to be a banner with a strange device indeed. Under it the majority see no need to examine a particular project unless it is "so improvident, frivolous and speculative that it threatens to squander the corporate substance without reasonable hope of return" or is "a totally improvident business decision." One can only predict that snow and ice will prevail in the nether regions for many years before the members of this Commission discover any need to venture forth in battle for the public interest under that banner -- nor is it altogether impossible that this very prediction played a part in the design of the new standard.

The background facts, as evident to the majority at the time they wrote their opinion as now, clearly indicated that this proposal might very easily serve to prevent the distribution and sale of electric power at the lowest possible cost to the public of the Pacific Coast regions.^{5/} Obviously, a proposal which on its face raises the

5/ The realities, "extra record" though they necessarily must be (there being no record), were and remain as follows: (a) the export of seasonally-surplus Bonneville power to California markets is necessary to preserve the continuance of low Bonneville rates; (b) before it can be exported, legislation is probably necessary to prevent the preference clause from operating in such fashion as to create chaos in the existing BPA marketing area; (c) upon the enactment of such legislation, passed by the last Senate but not considered by the House, an extra-high-voltage transmission line, planning funds for which have been appropriated, may be constructed to convey surplus Bonneville power to California, and surplus Central Valley Project power to the Northwest; (d) the purpose of the proposed substitute line is to foreclose later construction of the designedly superior Federal line; (e) the inferior line has not been made available to wheel surplus power between Bonneville and California; (f) no demonstration has been made that it will effectively integrate the two power-producing and marketing regions; (g) the success of applicant's grand design may force an increase of Bonneville rates; (h) this Commission must approve Bonneville's rates; and (i) those rates must be set at levels designed "to extend the benefits of an integrated transmission system and encourage the equitable distribution of the electric energy developed at . . . Bonneville," 16 USCA 832e. A complete discussion of (continued on next page)