

enacting Title II of the Federal Power Act. Senate Report No. 621 of the 74th Congress made this unequivocally clear. It said --

"The necessity for Federal leadership in securing planned coordination of the facilities of the industry which alone can produce an abundance of electricity at the lowest possible cost has been clearly revealed in the recent reports of the Federal Power Commission, the Mississippi Valley Committee and the National Resources Board . . . The new part 2 of the Federal Water Power Act seeks to bring about . . . regional coordination . . ."

The "precise nature of the interests" that should have been " . . . safeguarded by this Commission in passing upon . . ." the subject application,^{9/} therefore, is the public interest in an "abundance of electricity at the lowest possible cost," and calls for careful scrutiny of any undertaking under our jurisdiction which may be incompatible with, or designed to prevent, the attainment thereof.

In addition to several misstatements of my position herein, the majority employ a variety of additional devices to justify their somewhat self-conscious refusal to consider this matter. First they say "we should not attempt to substitute our judgment for that of management." The answer is that Congress long ago found that management decisions in the electric power field often are contrary to the public interest; and that Congress established and directed this Commission to substitute its judgment for all management decisions that are not compatible with the public interest.

Next, the majority say they did not feel that a hearing would "illuminate any material issue." The answer to that is that our scheme of Government, including the Federal Power Act, presumes that the facts upon which decisions affecting major issues of public policy must be based are rarely known until a public hearing is held in which all interested parties may participate; and that such decisions should not be made in camera and without public notice. Presumably the countless public and private officials who journeyed to Washington, both before and after the majority acted on this matter, for the sole purpose of testifying before Congress for and against the proposed Federal line would have had at least a few words to offer, if a hearing had been held regarding the extent to which the substitute line was, or by our conditioning power could be made, "compatible with the public interest."

Next, the majority say they did not hold a hearing on the substitute line because it involved "political and policy" considerations which this Commission cannot consider. The answer is that the Federal

^{9/} Pacific Power & Light v. Federal Power Commission, 111 F.2d, 1014 at 1017 (1940).