

go around to the people in the industry, who want to know what we are doing.

Most of them get very little attention from the general press but, of course, they are quite important in the natural-gas and electric-power and associated industries.

Mr. BROTZMAN. Now, we have listened to almost 2 full days of testimony and there seems to be some debate as to whether or not this particular letter was an attack or whether it was not.

However, taking the letter and the record, I think we can pin it down to one specific, and this is one sentence, and that is basically this:

Ordinary men yield too quickly to the present-day urge toward conformity, timidity, and personal security.

Mr. Morgan, in his testimony, on two occasions has stated in one way or another that an example of this was the *Idaho Power* case.

You have been in the hearing room, have you not?

Mr. SWIDLER. Yes, I heard that; yes, sir.

Mr. BROTZMAN. Now, also originally he stated that the decision in that case was predicated upon a set of facts or certain principles stated in the decision, but that this, in fact, was not the reason for the decision.

You heard that statement?

Mr. SWIDLER. Yes, sir.

Mr. BROTZMAN. One reason he gave, I believe, was that someone, some Commissioner, had stated it would disturb the industry.

Yesterday I think when I was questioning him he added to that that there was some other reason given by a Commissioner, which he didn't think was tenable, namely that the Idaho Power Commission was studying the matter or had the matter under consideration.

Now, pinning it down to this particular point, I ask you this question:

Does this decision, the *Idaho Power Company* decision, state the reasons for the opinion in that particular case?

Mr. SWIDLER. The *Idaho Power* decision is a formal order. The majority did not undertake in that case to respond to the dissent. The formal order had already been issued, and we thought that our differences in approach with Mr. Morgan were already adequately stated in the two opinions that had been filed in the *Pacific Power and Light* case.

So that there is no majority opinion replying to the dissent in the *Idaho Power* case.

But I have explained in my testimony here at some length, evidently when you were out, what the considerations were in that case and how the point of view that we took in the *Pacific Power and Light* case applied under the facts of the Idaho situation.

And in substance, this was a case where there was no reason to question the soundness of the securities or the need of the company for the money or the capital structure of the company, where we felt it would not be an appropriate use of our authority over the issuance of securities to initiate the numerous collateral investigations which were proposed on the company's rates, which were already under investigation by the State Commission, not because they were high, incidentally, but because they were too low; its depreciation practices, not because they charged too much depreciation but