

REPLY FROM FEDERAL POWER COMMISSION

FEDERAL POWER COMMISSION,
Washington, D.C., March 12, 1965.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: In further response to your letter of February 12, the following are our answers to the questions there asked with respect to the public availability of information in the Federal Power Commission.

1. Generally, the provisions of section 3 of the Administrative Procedure Act (5 U.S.C. 1002) are applicable to all Federal Power Commission functions. There are no constituent units of the Commission to which the section does not apply.

2. The several items referred to in this question are published as follows:

(a) Description of organization published originally in the Federal Register of September 11, 1946, 11 F.R., pt. 2, p. 487 (18 CFR, 1946 supp., pt. 01). The latest complete revision was issued April 30, 1962, published in the Federal Register of May 4, 1962 (27 F.R. 4276) and recodified in 18 CFR, pt. 3, where it is continuously available. Amendments or revisions are similarly published as occasion demands, e.g., § 3.1 amended and § 3.7 added by order No. 259, issued December 21, 1962 (27 F.R. 12927, 28 FPC 1097, 18 CFR 3.1, 3.7).

(b) A statement of the course and method of operation was published Sept. 11, 1946, 11 F.R., pt. 2, p. 489 (18 CFR, 1946 supp., pt. 02). Revisions or amendments are published as described above, in the Federal Register, the FPC reports and the CFR.

(c) The term "substantive rule" is not defined by the Administrative Procedure Act. However, either notice of the adoption or the full text of all rules affecting the public are published in the Federal Register as adopted. See 18 CFR 1.36 re public access to opinions, orders and rules. In addition, all Commission opinions, all rules and orders of general applicability and many of its orders, both final and interlocutory, are published in the Federal Power Commission Reports (FPC) which include tables and indices. This publication presently consists of 29 permanent bound volumes and 8 monthly preliminary prints which contain permanent pagination. All of the foregoing are available to the public, upon issuance and upon request, in the Commission's Office of Public Information in its Washington office.

(d) Statements of general policy or interpretation are published in the Federal Register, as and when adopted, and are codified in 18 CFR, part 2. They are also published in the FPC Reports described above in (c).

(e) Insofar as rules addressed to and served upon named individuals are final orders they are published or otherwise made available as described in (c), above. Procedural orders such as orders to show cause, orders instituting investigations, orders fixing date of hearing, and orders of a "notice" nature are, as a rule, published in full in the Federal Register and often, as well, in the FPC Reports.

3. In accordance with published rule (18 CFR 1.36 (b)), all final and interim opinions and orders in the adjudication of cases and in rulemaking proceedings are released to the public immediately upon issuance in the Commission's Office of Public Information. In addition, the Commission issues, for convenience only, a list of formal documents issued which includes all orders, rules, opinions, interim decisions, notices, and interlocutory orders (setting for hearing, or on motions, etc.) issued on a particular day. This list is available upon request and a mailing list therefor is maintained. A mailing list of persons desiring to receive the Commission's opinions is likewise maintained and mailing lists tied to individual cases or dockets by virtue of which a person is sent all of the formal documents issued during the course of a particular proceeding.

4. The Commission has not withheld publication of any opinions or orders on the ground that they should, for good cause, be held confidential.

5. As noted above, all Commission opinions are printed (published) in the FPC Reports. Although every Commission order is not so printed, all are available for public inspection upon issuance. Consequently, every order or opinion cited or used as a precedent is available to the public in either printed or other form.