

lation is exactly that kind of case, and the question is whether we are going to allow the Federal Power Commission to draw the line as they see it in their judgment, because they can make a case for it, obviously, and they have gone ahead and exercised jurisdiction.

The question is, then, Does the Congress agree with that or doesn't it? We submit by way of this legislation that the Congress should not agree with that interpretation of the change in balance of power that has existed heretofore with respect to the jurisdiction of the Federal Power Commission. There is a lot to be said on that side of the case. Florida Power & Light Co. have had since 1941 a contract with the Florida Power Corp. for power on emergency basis.

They have no direct connection interstate, that is, the Florida Power & Light Co. doesn't, but admittedly the Florida Power Corp. has a direct connection interstate. The Florida Power Corp., its connection and that flow of power, is all regulated by the Federal Power Commission.

In 1963 the Federal Power Commission decided that the contract between Florida Power Corp. and Florida Power & Light Co. for emergency purposes only subjected Florida Power & Light Co. to Federal jurisdiction.

It took them 30 years to make up their minds, so it wasn't an easy step, but I don't think it was the right step either, because there are no facts in the case which would warrant, in my judgment, the jurisdiction of the Federal Power Commission over that particular transaction.

This is what seems to be involved in this case. Whether in those kinds of situations we are going to give rise to jurisdiction by the Federal Power Commission. We submit that they should not, because there is no need for them to be.

Obviously, in upholding the theory and the thesis of interstate commerce, you have to draw some lines on where you want that to go, and how far do you want that to extend. What we are submitting is that it is an extension one step too far and neither is it called for because of the public protection or any other rationale, so the question simply then is a definition of interstate commerce. The contractual relationship which invoked Federal jurisdiction had been accepted as a customary business and legal practice for almost 30 years. Now all of a sudden in a review decision by the Federal Power Commission the same practice invokes Federal jurisdiction.

What is the basis for it? The answer is, the FPC decided the practice is interstate commerce.

I am not so sure that the Congress ought to agree to that. There is plenty good reason why it shouldn't. Do we want to maintain that balance of power, jurisdiction, and operational regulation between the Federal Power Commission and the State commissions, and between interstate commerce and intrastate commerce?

Not given any other extenuating circumstances, it would seem more logical and reasonable to leave the situation where it was for 30 years, rather than for no other reason except a new interpretation to enlarge it.

I may not have put my finger right on the whole issue and I may not have been totally accurate about the facts. I think I have, however. Nevertheless, what I have said I think will be subjected to close