Mr. MACDONALD. That will be so ordered.
(Congressman Gurney's prepared statement follows:)

STATEMENT OF HON. EDWARD J. GURNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I appreciate the opportunity to come before you and urge enactment of H.R. 5348 and similar bills including H.R. 8426, which I introduced. These bills would amend subsection (f) of section 201 of the present Federal Power Act by exempting from jurisdiction of the Federal Power Commission, rural electric cooperatives, and public utilities, all of whose facilities are intrastate, and none of whose facilities are used to transmit or receive electric energy by direct connection from or to another state.

The bill is necessary because of two recent decisions of the Federal Power Commission.

On January 5, 1967, the Commission held that although the Federal Power Act does not confer authority to regulate rural electric cooperatives, jurisdiction over multistate generating and transmission cooperatives would be in the public interest. Commissioner Bagge joined the majority of the commission in requesting a reappraisal of the issue. To make that reappraisal unnecessary and to guard against a very possible overruling of the decision, I have submitted H.R. 8426.

I have also submitted it because of the highly unusual Commission opinion of March 20, 1967, in which the Commission—in a 3–2 decision—found that it had jurisdiction over public utilities such as the Florida Power and Light Company, all of whose facilities and activities are *intrastate*. The Commission's decision subverts the provisions of the Federal Power Act and the intention of the Congress that passed it, both stating that only interstate companies could be regulated. Thus, it becomes necessary to pass a bill to keep the Commission from operating outside of its authority, perhaps unconstitutionally, certainly beyond the intent of Congress.

In 1935, the Federal Power Act became law. It authorized regulation of interstate activities in the electricity field. The Interstate Commerce Committee of the Senate in reporting the Federal Power Act said "Subsection (a) . . . declares the policy of Congress to extend that regulation to those matters which cannot be regulated by the States and to assist the States in the exercise of their regulatory powers, but not to impair or diminish the powers of any State commission."

The House committee, reporting on the same act, similarly stressed the rights and responsibilities of the States. The Power Act itself states in 201(b) that the Commission shall "not have jurisdiction . . . over facilities used for the generation of electric energy or over facilities used in local distribution or only for the transmission of energy in intrastate commerce."

I submit that if the activities of the Florida Power and Light Company are interstate, as the Commission has decided, the Commission has rejected the entire concept of intrastate activity. If the business of Florida Power and Light is not intrastate, then nothing is.

Basis for jurisdiction over the Florida company was "hooked" upon the nature of less than ⅓ of 1% of its "business."

It was the nature of that "business" which transformed the intrastate company into an interstate one. The company's facilities are connected with four completely intrastate facilities, one of which is interconnected with a Georgia company—and here the Commission found the "interstate hook." "Interstate commerce" is a term which I am aware has been gravely stretched and pounded and mutilated by the courts, but here the Power Commission has gone berserk in its zeal to acquire new jurisdiction.

I submit that there is still another portion of the Federal Power Act which further illustrates that the Commission has no authority to interpret as they have.

Section 202 of the act states that it has as its purpose assurance of economical energy by voluntary interconnection of facilities. Florida Power and Light's interconnections are used to buy and sell energy in emergencies, and transactions for emergency power to and from the four Florida companies amount to only one-third of one percent of the total energy it generates this year. The company has sought to provide its customers with complete electrical reliability, to guard against the very slight possibility of blackouts. The company could not "voluntarily" decide to do this, as the Power Act encourages, if the choice means automatic engulfment by Federal regulation.