

Mr. PICKLE. I would say to the gentleman I was not here when Congressman Rogers testified; but, as I read Mr. Rogers' bill, he is simply trying to state, as I did, that we are not asking for new legislation as much as we are asking for a clarification of the 1935 act.

Mr. HARVEY. I appreciate that.

Mr. PICKLE. Therefore, it is in effect the same approach in principle.

Mr. HARVEY. It is the same categories of exemptions that we are dealing with; is that right?

Mr. PICKLE. Yes. My measure went further. When I got into the element of saying what is intrastate in character, I went into language that was more involved or more technical in the sense that I tried to define what was intrastate in character.

Now, I think, Mr. Rogers' bill is more simple in that respect, but principally the same.

Mr. HARVEY. May I ask just one other question, and perhaps this isn't the place to ask. Whatever happened to the gentleman's bill that was reported out?

Mr. PICKLE. Just was not acted on, that's all. It couldn't get any further action. Time ran out and at the beginning of this session these bills were introduced and, therefore, I had not reintroduced mine just pending the outcome of this, that I appear in support of this legislation.

Mr. HARVEY. Thank you, Mr. Chairman.

Mr. MACDONALD. Thank you very much, Mr. Pickle.

Mr. PICKLE. Thank you, Mr. Chairman.

Mr. MACDONALD. Our next witness is also a colleague, and sponsor of similar legislation, H.R. 9174, the Honorable William Cramer. Mr. Cramer, you may proceed as you wish.

STATEMENT OF HON. WILLIAM C. CRAMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. CRAMER. Mr. Chairman, I am delighted to have this opportunity to testify in support of my bill, H.R. 9174, and similar other bills which would have the effect of amending the Federal Power Act with the goal of codifying the jurisdiction of the Federal Power Commission as it relates to that agency's authority to regulate intrastate power facilities.

This legislation would have the effect of retaining the existing exemption from Federal control of wholesale power rates that Florida Power & Light Co. and other intrastate power companies now enjoy. I introduced this legislation because of my conviction that the Federal Power Commission is overstepping its authority by seeking to subject intrastate power companies to Federal Power Commission regulation.

The weight of court decisions dealing with the scope of the commerce clause of the Constitution have held that Congress may constitutionally regulate intrastate activity only if it has a substantial economic effect upon interstate commerce. An analysis of the substation and transmission system of the Florida Power & Light Co., for example, along with the indisputable fact that this company is engaged in the generation, transmission, and distribution of the sale of electricity solely within the State of Florida and has no contracts to buy or sell power from or to any person or system in any other State, clearly