

demonstrates that its activities are intrastate in nature and that any effect it may have upon interstate commerce is inconsequential.

This fact is further buttressed by recognizing that this company has no direct connections across State lines.

I must emphasize that my remarks are not intended to suggest that I am opposed to reasonable regulation of wholesale power rates by the Federal Power Commission. Where the proper authority exists, such regulation may be most beneficial to the eventual consumer of electricity. What I do oppose most vigorously is the attempt by the Federal Power Commission or any other agency of the Government to overstep the limits of its jurisdiction clearly placed upon it by the Constitution. To allow the Federal Power Commission to exercise any form of regulation over an intrastate activity does violence to the Constitution.

The authors of the Constitution granted to the Congress the power to regulate "interstate commerce." Had they intended to grant Congress the authority to regulate all commerce, surely they would have said so. Indeed, the power to regulate intrastate commerce is retained by the States.

In my judgment, the Florida Power & Light Co. and other power companies which carry on no commerce with other States must be regarded as intrastate in character if intrastate commerce is to have any meaning whatsoever. This being the case, they must remain immune from Federal Power Commission regulation.

Mr. MACDONALD. Thank you for your views Mr. Cramer. If there are no questions, we shall hear next from another colleague, who has also sponsored similar legislation, the Honorable J. Herbert Burke.

Please proceed, Mr. Burke.

STATEMENT OF HON. J. HERBERT BURKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. BURKE. Mr. Chairman and distinguished members of the Interstate and Foreign Commerce Committee, I welcome this opportunity to speak in support of H.R. 5348, to amend the Federal Power Act, which was introduced by my colleague from Florida, Mr. Rogers, who is a member of your committee. I was very pleased to join him in cosponsoring this legislation; and, for this reason, on April 20, 1967, I introduced a companion bill, H.R. 8919.

As you are aware, the proposed amendment is actually a status exemption bill, the primary purpose of which is to clarify the original intent of Congress with regard to the Federal Power Act. The bill would make it clear that the Federal Power Commission has certain specific restrictions in the extent of its jurisdiction. It would amend the Federal Power Act to prohibit the Federal Power Commission from assuming jurisdiction over REA cooperatives and intrastate electric public utilities.

This proposed legislation would affect very few electric companies, probably a dozen or less. Florida Power & Light Co. and Tampa Electric Co., both of which do business in the State of Florida, are specific examples of those involved.

A brief review of the situation in Florida reminds us that from the enactment of the Federal Power Act in 1935 until a very recent date there has never been any question concerning the status of such intrastate electric companies. It was assumed, and I think correctly, that