

claims to the Federal Power Commission, which it can do—we do have authority—that its supplier has imposed upon it restrictive provisions saying, for example that it will in the contract to supply power from A to B, that that obligation will go only so long as B does not sell to a third party at a certain volume, a competitive situation, we have had before us such a situation at the Federal Power Commission and have found that that was a restrictive provision that was contrary to public interest and have indicated we did not believe it should stand.

Mr. BROWN of Ohio. Well, the reason I ask this question—I don't want to pursue it further or try to press the Chairman too far—is, might this not be a sixth factor in the question of whether a utility might not want to come under FPC regulation?

Mr. WHITE. I thought I put that in when I spoke about rates. When we say rates we mean not only the level, but whether they are discriminatory or restrictive, so it would be a sub point of that.

Mr. BROWN of Ohio. The question that I am trying to get an answer to is whether this situation is now covered in most States by State regulation? In other words, are the companies of the Federal decision in this matter where they might be more confident of the State decision in such a matter, or are the States not speaking to this problem at all?

Mr. WHITE. We do have that authority where we have jurisdiction over a utility. In the States where there is no authority to regulate wholesale sales there is no place to go. There are a few such States.

Where, however, the State commissions do have authority they too can regulate them. There is a dual jurisdiction, so that there are two different forums available to the aggrieved utility who believes it is being treated harshly, unfairly, or at a great disadvantage to its customers where it might elect to go.

Mr. BROWN of Ohio. Thank you.

Mr. MACDONALD. Thank you, Mr. Brown. Thank you very much, Mr. Chairman, for coming here with your group. We certainly learned a good deal and it is a pleasure to once again see you up here.

Mr. WHITE. We thank you, Mr. Chairman, and this has been an excellent opportunity for us to talk about some of the matters that we believe are so important.

Thank you.

Mr. MACDONALD. Thank you. The next witness is Mr. H. L. Baker of the Savannah, Ga. Electric Power Co.

Mr. BROWN of Ohio. Mr. Chairman, there is one point I want to make about the map before it comes down. I want to ask a question about this map because of some knowledge I have of the situation in Ohio.

Does this map only cover peak power capacity failures, or does it include technical failures, and acts of God and man and nature?

Mr. WHITE. What it covers primarily, Congressman, are what we have characterized at the Federal Power Commission in our report to the Congress and the President as major power failures and those that are cascading.

Mr. BROWN of Ohio. You have cities on there designated and I notice you have one in Cincinnati. I presume you indicate that is a power failure. I may be wrong.

Mr. WHITE. That was not a cascading power failure, just as the one in St. Louis was not. Those are ones that were major power failures