Commission should make a finding that a given company or transaction was "national in character." This contention was expressly rejected by the Court of Appeals of the District of Columbia Circuit in 1952 in *State of Wisconsin* v. *Federal Power Commission*, 201 F. 2d 183, 185, n.1. In that case, the Court of Appeals upheld FPC jurisdiction over sales at wholesale by the Wisconsin Power Company to municipalities in Wisconsin. The factual situation resembled that in *Colton* in several material respects. The company, which had no facilities or operatons outside of Wisconsin, purchased from an Illinois company at the state line energy which, commingled with greater amounts of Wisconsin-generated energy, it resold at wholesale to municipalities in Wisconsin.

In the *City of Colton* case the Supreme Court merely reaffirmed the principles which had been established in prior litigation under the Act.

The Supreme Court decision in *Colton* not only reaffirmed existing law, but was also consistent with actual practice. For the Commission had long regulated the type of wholesale sales in interstate commerce to municipalities, cooperatives and other local distribution companies over which authority would be removed by passage of S. 218. See, e.g., *Gulf States Utilities Co.*, 1 FPC 522 (1938) (ordering reduction of rates to several Louisiana municipalities); *Wisconsin Michigan Power Co.*, 10 FPC 17D (1950) aff'd, 197 F. 2d 472, cert. den. 345 U.S. 934 (ordering the company to cease charging improperly increased rates to customers in Wisconsin and Michigan: five municipalities, one cooperative and two investor-owned utilities); *Central Vermont Public Service Corporation*, 7 FPC 890, 992 (1948) (increased rate to village and local distribution companies suspended by the Commission, then withdrawn).

Our records show that as far back as 1947 there were over 250 rate schedules on file with this Commission for wholesale sales to municipalities and cooperatives. By June 1, 1961, just before *Colton* was decided by the Commission, this figure had risen to over 750. It is fair to state that at the time of *Colton* the principal if not the only issue as to Commission jurisdiction over any wholesale sale was whether it was in interstate commerce, and that if the answer to this question was in the affirmative jurisdiction attached.

JUNE 8, 1965.

RICHARD A. SOLOMON,
General Counsel.

Mr. MACDONALD. Our next witness is Mr. H. L. Baker, president of the Savannah Electric & Power Co. Mr. Baker.

STATEMENT OF H. L. BAKER, PRESIDENT, SAVANNAH ELECTRIC & POWER CO.

Mr. BAKER. Mr. Chairman and members of the committee, my name is H. L. Baker. I am president of the Savannah Electric & Power Co., Savannah, Chatham County, Ga. If I may depart from my script the Savannah electric company is not the company Chairman White alluded to in connection with this municipal dispute which was presented to the Federal Power Commission.

I think it is also appropriate at this time to mention that the State commissions are not in a 100-percent accord with the Federal Power Commission on all of these regulatory matters and there is a statement by Ben Wiggins, vice chairman of the Georgia Public Service Commission, which has been submitted in his absence for inclusion in the record. (See p. 262.)

The Savannah Electric & Power Co. was chartered under the laws of the State of Georgia in August 1921. It serves an area of approximately 2,000 square miles in the southeastern coastal section of Georgia with a population of some 220,000.

Approximately 90 percent of its business is in the Savannah Metropolitan area. It also serves most of Effingham County and very limited areas of Bryan, Screven, and Bullock Counties, Ga. It has no power