

facilities, the Examiner made any rights under his order contingent upon the Western Massachusetts Electric Company's applying for and obtaining authorization under the Act for these facilities (Initial Decision, pp. 22 and 42).

The Commission staff supports the Examiner's grant of the applications as thus conditioned. Its exceptions to the initial decision are limited to the Examiner's conclusions respecting applicants' obligations under Section 10 (h) of the Act, prohibiting restraints of trade (16 U.S.C. 803 (h)).

A. The Massachusetts Municipals' Antitrust Contention

The Municipal Electric Association of Massachusetts and the electric departments of the City of Chicopee, Town of Shrewsbury, and Town of Wakefield, Massachusetts, joint interveners in these proceedings, raise the issue as to whether applicants are in compliance with Section 10 (h). The burden of their claim apparently is that applicants are party to the concerted exclusion of the municipals from various bulk power projects which are being developed or planned in New England. They argue that this exclusion is being accomplished, at least in part, by barring the municipals from the regional planning activities conducted under the auspices of the Electric Coordinating Council of New England. It should be noted