

that the Massachusetts municipals do not contend that applicants or the Council are engaged in arrangements to fix the wholesale rates at which the investor-owned utilities sell power to their municipal customers. (Massachusetts Municipals Petition to Intervene, pp. 6 and 9-10; Massachusetts Municipals Br., pp. 5, 23-27, and 32).

B. The Staff Position before the Examiner

The Commission staff in its brief before the Presiding Examiner indicated that the exclusion of the municipals from the Council's planning activities does, indeed, present certain antitrust problems (Staff Br., p. 63). The staff said, however, that despite these problems, the issuance of the Northfield Mountain license and the amendment of the Turners Falls license need not be delayed. By statute, Section 10 (h) would become part of any Northfield Mountain license and is already a part of the Turners Falls license. Thus, the Commission would retain authority and responsibility in anti-trust matters even if the applications were to be granted. The staff recommended "that the Commission consider including in its opinion language indicating that if appropriate arrangements to allow all segments of the electric industry in New