

England to participate in the planning activities of the Council are not worked out on a voluntary basis within six months of the grant of the applications, the Commission may initiate action as it considers necessary under Section 10 (h)." (Staff Br., p. 64). The applicants in their reply brief denied that there is any possibility of a Section 10 (h) violation (App. Reply Br., pp. 14-28).

C. The Examiner's Conclusions on the Section 10 (h) Issue

The Presiding Examiner in his initial decision, while stating that "it may well be argued that inclusion of the Massachusetts Municipals in the planning activities of ECCNE would result in better inter-regional coordination insofar as the generation, transmission and distribution of electric energy in the Northeast region is concerned," concluded that the staff's recommendation to the Commission "does not appear to be well taken" (Initial Decision, pp. 17-18). He acknowledged that there might be an antitrust violation if it could be shown that the purpose of excluding the municipals from the Council was to prevent them from acquiring a valuable business service, but he stated that such showing has not been made. Furthermore, he said, the