

interests and objectives of investor-owned utilities and publicly owned utilities are so disparate and diametrically opposed as to justify the existence of a separate investor-owned utility organization. In any event, the Examiner stated, the Section 10 (h) issue "is a matter entirely collateral to the intended purpose of the instant proceeding." (Initial Decision, pp. 17-18).

The Examiner's analysis, it is submitted, does not do justice to the antitrust problems presented, and for the reasons set out in the argument, the staff renews its recommendation for inclusion of language as described above in any order granting the applications.

II. ARGUMENT

A. Facts Relating to the Section 10 (h) Issue

1. The Massachusetts Municipals' Efforts to Get a Bulk Power Source

The Municipal Electric Association is composed of 39 of the 40 municipal electric utilities in Massachusetts. The electric departments of Chicopee, Shrewsbury, and Wakefield are members of the association. The 40 municipal utilities, which served some 239,000 customers in 1965, had a load of