

It simply is not possible for the municipals to conduct true regional planning except in cooperation with the investor-owned utilities of New England.

B. The Law of Exclusionary Arrangements

1. Section 10 (h)

In the prolonged struggle for water-power legislation Congress early manifested an interest in including a provision such as Section 10 (h). Precursors of that section appeared in the Ferris and Adamson bills of 1914 (the year, incidentally, in which the Clayton and Federal Trade Commission Acts were passed) (Section 3 of the Ferris bill, H.R. 14893, 63d Cong., 2d Sess., and Section 15 of the Adamson bill, H.R. 16053, 63d Cong., 2d Sess.). The Shields bill of 1916 also contained an antitrust provision (Section 12 of S. 3331, 64th Cong., 1st Sess.). The Administration bill, which eventually became the Federal Water Power Act of 1920, initially did not have such a provision (H.R. 8716, 65th Cong., 2d Sess.). Section 10 (h), then numbered 10 (g), was inserted in the bill by the Committee on Water Power (H. Rep. No. 715, 65th Cong., 2d Sess. at pp. 7 and 17 (1918)). This section was carried through every draft