

of H.R. 3184, the Administration bill in the 66th Congress, and became part of the Act. The section reads as follows:

Sec. 10. All licenses issued under this Part shall be on the following conditions:

* * *

(h) That combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

This language is derived from the Sherman Act, and it plainly must be interpreted in the light of the case law development under the antitrust statutes.

2. The "Bottleneck" Boycott

The type of antitrust violation which the Massachusetts municipals appear to allege in these proceedings has been called a "bottleneck" agreement. A. D. Neale, author of a leading treatise on antitrust law, states the proscription against such agreements in these terms:

The Sherman Act requires that where facilities cannot practicably be duplicated by would-be competitors, those in possession of them must allow them to be shared on fair terms. It is illegal restraint of trade to foreclose the scarce facility. (Neale, The Antitrust Laws of the U.S.A. 69 (1962)).