

The right is recognized in Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc., 365 U.S. 127 (1961) and United Mine Workers of America v. Pennington, 381 U.S. 657, 669-670 (1965).

There is no reason, it is submitted, why the municipal utilities and the investor-owned utilities cannot exercise their unfettered right to dispute about public policy with one hand while cooperating in regional planning with the other. It is not denied, certainly, that there are some areas where public policy and system planning merge (the desirability of the United States' building the Dickey-Lincoln School project is an example), but also it is clear that there are many areas where they are quite discrete. The Commission's experience has demonstrated that the publicly owned and investor-owned segments of the industry are capable of cooperating when the need is made plain and that the cooperation may be mutually beneficial and much less difficult than either side had thought. To say that the municipals may be permanently excluded from regional planning because they are at loggerheads with the private segment on certain policy questions would be to put them at a disadvantage which would be crippling and perhaps eventually fatal to their generating and bulk power programs.