

necessity' . . . is found in the laws of the United States." And in the recent case of The Denver and Rio Grande Western Railroad Co. v. United States, 35 U.S.L. Week 4531, 4533 (U.S. June 5, 1967), the Court observed: "Commonsense and sound administrative policy point to the conclusion that such broad statutory standards [as 'public interest' and 'lawful object'] require at least some degree of consideration of control and anticompetitive consequences when suggested by circumstances surrounding a particular transaction." See also: FCC v. RCA Communications, Inc., 346 U.S. 86, 94 (1953); McLean Trucking Co. v. United States, 321 U.S. 67, 86 (1944); National Broadcasting Co., Inc. v. United States, 319 U.S. 190, 222-224 (1943); City of Pittsburgh v. FPC, 237 F. 2d 741, 754 (1956).

(b) The Examiner's second reason for concluding that the antitrust issue is "collateral" apparently is that if the Northfield Mountain license is issued, the Commission will have continuing authority and responsibility under Section 10 (h) (Initial Decision, p. 18):

Section 306 of the Federal Power Act specifically provides for a method of bringing violations of the statute to the attention of the Commission. Insofar as the future operation of the Northfield Mountain Project is concerned, Section 10 (h) is required by statute to be included in the Northfield Mountain license and is presently a part of the Turners Falls license.