

On this point, the Examiner's decision echoes language in the initial decision in Pacific Northwest Power Co., 31 F.P.C. 247, 350 (1962), where Washington Public Power Supply System contended that the four sponsoring utilities of Pacific Northwest violated Section 10 (h) by combining to apply for a license for the last important hydroelectric site in the region and that licensing Pacific Northwest would give its sponsors an unlimited opportunity to fix the price of power:

. . . Section 10 (h) of the Act [the Examiner said] deals with conditions to be imposed upon the grant of a license and not with prequalifications for the issuance of a license. Its legislative history indicates it was designed to protect the public against the misuse of an FPC license by authorizing Commission sanctions for antitrust violations (Senate Committee Report No. 180, 66 Cong. 1st Sess. p. 4 (1919)).

This rationale, it is noted, was not utilized by the Commission in its decision on the antitrust issue in that case (31 F.P.C. 274-275).

The legislative history of Section 10 (h) does not, in fact, support the conclusion that the section is only for the limited purpose of enforcing the antitrust laws against existing licensees. Senate Report 180 at page 4, cited as the sole authority for the Examiner's construction of Section 10 (h) in Pacific Northwest, merely recites, as part of the history of