

5348, the "Attleboro Gap" is reopened as to wholesale sales by many companies. No wholesale regulation would be constitutionally lawful because the States are without constitutional power to enforce such regulations.

However, even assuming, for argument, that the several States do have power to regulate wholesale sales, we seriously question the results likely to be achieved in terms of uniformity and in terms of protecting the public.

Assuming that H.R. 5348 were enacted—

Mr. MACDONALD. Sir, I do not mean to interrupt you, but we are illegal on two counts, as I said yesterday. The House is in session, and we have a quorum call. It is against every rule of the House to take testimony during a call of the House.

Your statement has been submitted. Would you care to come back when we resume? It is up in the air as to when because of our schedule. Your fine statement is in the record. I do not apologize, because I am just following the rules of the House. I am sorry it happens to be that way, but members of the committee have to be on the floor. We have the poverty bill up, and there is a lack of a quorum right now.

If you do not mind, I will adjourn the hearing, subject to the call of the Chair.

Mr. ROBINSON. Mr. Chairman, we understand your problem perfectly. We want to do everything in our power to cooperate with the chairman and with the committee and with the Congress. We would, however, appreciate the opportunity to come back at a later time before action is taken on the bill. I have some particular rebuttal testimony concerning the accounting problems and the handling of deferred taxes which I would like to put into the record.

Mr. MACDONALD. Is that included in your statement?

Mr. ROBINSON. No, sir.

Mr. MACDONALD. I can assure you that when the hearings are resumed, you will be notified and you will be the first witness.

Mr. ROBINSON. Thank you very much, Mr. Chairman.

Mr. MACDONALD. With that, the hearings are adjourned, subject to the call of the Chair.

(The following material was submitted for the record:)

STATEMENT OF THE FLORIDA PUBLIC SERVICE COMMISSION

Mr. Chairman and members of the committee, the members of the Florida Public Service Commission, William T. Mayo, Chairman; Jerry W. Carter, Commissioner; and Edwin L. Mason, Commissioner; through the Commission's General Counsel, Lewis W. Petteway, submit this statement on behalf of said Commission for the information and use of the Sub-Committee on Communications and Power of the Committee on Interstate and Foreign Commerce of the United States House of Representatives in its consideration of H.R. 5348, presently pending before said Sub-Committee.

H.R. 5348 was introduced in the House by one of Florida's distinguished Congressmen, Honorable Paul G. Rogers. The bill seeks to clarify the Federal Power Commission's jurisdiction, and preserve the right of the individual states to regulate public utility matters of purely local concern. This proposed legislation affects two Florida public utilities, Tampa Electric Company and Florida Power and Light Company. Neither of these utilities has any direct connections with any