

The Burger Court Opinion Writing Database

FPC v. New England Power Co.
415 U.S. 345 (1974)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

February 21, 1974

Re: 72-1162 - FPC v. New England Power Co.

Dear Bill:

Please join me.

Regards,

WHD

Mr. Justice Douglas

Copies to the Conference

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1162

Federal Power Commission,
Petitioner,
v.
New England Power Company et al. } On Writ of Certiorari
to the United States
Court of Appeals for
the District of Columbia Circuit.

[January —, 1974]

MR. JUSTICE DOUGLAS.

This case, companion to *National Cable Television Assn. v. United States*, *ante* —, raises another important problem of construction of the provisions of the Independent Office Appropriation Act of 1952 which is contained in 31 U. S. C. § 483a. The Federal Power Commission established filing fees under the Natural Gas Act and under the Federal Power Act. These filing fees have not been challenged. What was challenged were annual assessments under both Acts, levied in an effort of the agency to recoup some of the remaining costs under the two Acts.

With respect to electric utilities, the Commission determines each year the costs of administering the Federal Power Act. The costs associated with the Commission's efforts to promote the co-ordination and reliability of nonjurisdictional electric systems are not included. The Commission also deducts from administration costs the costs associated with services rendered to electric systems not subject to the Commission's jurisdiction and the amount received during the year from filing fees. The remaining balance is assessed against

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1162

Federal Power Commission,
Petitioner,
v.
New England Power Company
et al. } On Writ of Certiorari
to the United States
Court of Appeals for
the District of Colum-
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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1162

Federal Power Commission, Petitioner
New England Power Company, et al. } On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

{January - 1974}

MR. JUSTICE DOUGLAS delivered the opinion of the Court

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2-5
Sister
throughout

To the Chief Justice
Mr. Justice Brennan
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Clark
Mr. Justice Douglas
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice O'Connor
Mr. Justice Souter

5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1162

Federal Power Commission, Petitioner, v. New England Power Company et al. } On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit. 1-10

[January —, 1974]

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To : The Secretary of State

6th DRAFT

SUPREME COURT OF THE UNITED STATES

From: **STATES** - **1940**

Circulate:

No. 72-1162

Recirculated:

2-28

Federal Power Commission,
Petitioner,
v.
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the District of Colum-
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[January — 1974]

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

January 7, 1974

Re: No. 72-1162, Federal Power Commission v.
New England Power Company

Dear Bill,

I am glad to join your opinion for the Court
in this case.

Sincerely yours,

P.S.

Mr. Justice Douglas

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 2, 1974

Re: No. 72-1162 - FPC v. New England Power Co.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Douglas

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 17, 1974

MEMORANDUM TO THE CONFERENCE

Re: No. 72-1162 -- Federal Power Commission v.
New England Power Company et al.

In due course I will circulate a dissent in this case.


Thurgood Marshall

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 28, 1973

Re: No. 72-1162 - Federal Power Commission v.
New England Power Co.

Dear Bill:

Will you please add the following at the end of your
opinion for this case:

"Mr. Justice Blackmun took no part in
the decision of this case."

Sincerely,



Mr. Justice Douglas

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 7, 1974

Re: No. 72-1162 - FPC v. New England Power Co.

Dear Bill:

Please join me.

Sincerely,

W

Mr. Justice Douglas

Copies to the Conference