

# 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

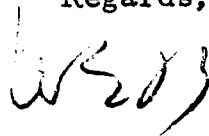
February 21, 1974

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

Dear Bill:

Please join me.

Regards,



Mr. Justice Douglas

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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-  
bia 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

6

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1162

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

12-28

[January — 1974]

MR. JUSTICE DOUGLAS delivered the opinion of the Court

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To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Black  
Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Marshall  
Mr. Justice Stewart  
Mr. Justice White

5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1162

Federal Power Commission, } On Writ of Certiorari  
Petitioner, } to the United States  
v. } Court of Appeals for  
New England Power Company } the District of Colum-  
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To : The Honorable  
[illegible]  
[illegible]

6th DRAFT

SUPREME COURT OF THE UNITED STATES

From: [illegible]

Circulate: \_\_\_\_\_

No. 72-1162

Recirculated: 2-28

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- bia Circuit.
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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

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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

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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,

*WHR*

Mr. Justice Douglas

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