

The Burger Court Opinion Writing Database

FPC v. Texaco Inc.

417 U.S. 380 (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

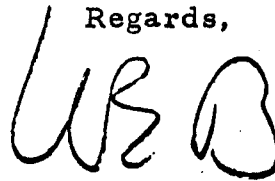
May 29, 1974

Re: 72-1490 - FPC v. Texaco
72-1491 - Dougherty v. Texaco

Dear Byron:

Please join me.

Regards,

A handwritten signature in dark ink, consisting of the letters 'W', 'B', and 'B' in a stylized, cursive-like font.

Mr. Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 22, 1974

Dear Byron:

In 72-1490, F.P.C. v. Texaco, Inc.

and the companion cases please join me in
your opinion.



William O. Douglas

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 23, 1974

RE: Nos. 72-1490 & 72-1491 Federal Power
Commission & Dougherty v. Texaco, Inc.

Dear Byron:

I agree.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 20, 1974

Nos. 72-1490 & 72-1491
FPC v. Texaco Inc. et al.

Dear Byron,

I should appreciate your adding the following at the foot of your opinion for the Court in this case:

MR. JUSTICE STEWART took no part in the consideration or decision of these cases.

Sincerely yours,



Mr. Justice White

Copies to the Conference

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To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

1st DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES

Circulated: 5-20-74

Nos. 72-1490 AND 72-1491

Recirculated: _____

Federal Power Commission,
Petitioner,
72-1490 v.
Texaco Inc. et al.
Dudley T. Dougherty et al., Co-
Executors, Estate of Mrs.
James R. Dougherty
et al., Petitioners,
72-1491 v.
Texaco Inc. et al.

On Writs of Certiorari
to the United States
Court of Appeals for
the District of Co-
lumbia Circuit.

[May —, 1974]

MR. JUSTICE WHITE delivered the opinion of the Court.

This case involves the validity of Order No. 428 of the Federal Power Commission which provides a blanket certificate procedure for small producers of natural gas, and relieves them of almost all filing requirements. The rates of small producers would no longer be directly regulated but would be subjected to indirect regulation through the review of purchased gas costs of the pipelines and large producers to whom these small producers sell. The Court of Appeals, with one judge dissenting, set aside the order, — U. S. App. D. C. —, 474 F. 2d 416 (1972), concluding that the Commission's order amounted to "deregulation" of small producers and was unauthorized by the Act. Because the validity of the Order is of obvious importance, we granted certiorari filed by the Commission in No. 72-1490 and by the estate of

To: The Chief Justice
Mr. Justice Douglas
✓ Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

Recirculated: 5-29-74

Nos. 72-1490 AND 72-1491

Federal Power Commission,
Petitioner,

72-1490 v.

Texaco Inc. et al.

Dudley T. Dougherty et al., Co-
Executors, Estate of Mrs.

James R. Dougherty
et al., Petitioners,

72-1491 v.

Texaco Inc. et al.

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 29, 1974

Re: No. 72-1490, Federal Power Commission v. Texaco Inc.
No. 72-1491, Dougherty v. Texaco Inc.

Dear Byron:

Please join me.

Sincerely,
T.M.

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 24, 1974

Dear Byron:

Re: No. 72-1490 - FPC v. Texaco, Inc.
No. 72-1491 - Dougherty v. Texaco, Inc.

Please join me.

Sincerely,



Mr. Justice White

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 31, 1974

No. 72-1490 FPC v. Texaco
No. 72-1491 Dougherty v. Texaco

Dear Byron:

Please join me.

Sincerely,

Lewis

Mr. Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 22, 1974

Re: No. 72-1490 - FPC v. Texaco

Dear Byron:

Please join me in the opinion for the Court you have prepared in this case.

Sincerely,



Mr. Justice White

Copies to the Conference