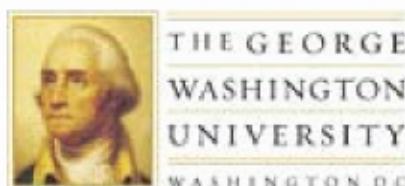


The Burger Court Opinion Writing Database

FPC v. Conway Corp.

426 U.S. 271 (1976)

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



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

CHAMBERS OF
THE CHIEF JUSTICE

June 2, 1976

Re: 75-342 - FPC v. Conway Corp.

Dear Byron:

I join your opinion dated May 14.

Regards,

WB

Mr. Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 17, 1976

RE: No. 75-342 Federal Power Comm'n. v. Conway Corp.

Dear Byron:

I agree.

Sincerely,

Bill

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 17, 1976

No. 75-342, FPC v. Conway Corporation

Dear Byron,

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

Sincerely yours,

P.S.

Mr. Justice White

Copies to the Conference

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

From: Mr. Justice White

Circulated: 5-14-76

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-342

Federal Power Commission, On Writ of Certiorari to
Petitioner, } the United States Court
v. } of Appeals for the Dis-
Conway Corporation et al. } trict of Columbia Circuit,

[May —, 1976]

MR. JUSTICE WHITE delivered the opinion of the Court.

The question in this case is this: when a power company that sells electricity at both wholesale and retail seeks to raise its wholesale rates, does the Federal Power Commission (the Commission) have jurisdiction to consider the allegations of the company's wholesale customers that the proposed wholesale rates, which are within the Commission's jurisdiction, are discriminatory and noncompetitive when considered in relation to the company's retail rates, which are not within the jurisdiction of the Commission? We hold that it does.

I

Arkansas Power & Light Company (the Company) is a public utility engaged in the sale of electric energy at wholesale in interstate commerce under the meaning of § 201 of the Federal Power Act (the Act). 16 U. S. C. § 824. Its wholesale rates are thus within reach of the Commission's powers under § 206 (a) of the Act to establish rates which are just, reasonable, and nondiscriminatory. 16 U. S. C. § 824e (a).¹ The Company also sells

¹ Section 206 (a) provides:

"Whenever the Commission, after a hearing had upon its own

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 17, 1976

Re: No. 75-342 - FPC v. Conway Corp.

Dear Byron:

Please join me.

Sincerely,

Harry

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 14, 1976

No. 75-342 Federal Power Commission v. Conway Corp.

Dear Byron:

Please join me.

Sincerely,

Lewis

Mr. Justice White

CC: The Conference

LFP/gg

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 2, 1976

Re: No. 75-342 - FPC v. Conway Corporation

Dear Byron:

Please join me.

Sincerely,

WR

Mr. Justice White

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20542

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 17, 1976

Re: 75-342 - Federal Power Commission v. Conway
Corporation, et al.

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

Copies to the Conference