INTERVIEW IV

INTERVIEWEE: LEE C. WHITE

INTERVIEWER: JOE B. FRANTZ

March 3, 1971

Tape 1 of 1

F: This is interview number four with Mr. Lee White in his office in Washington, March 3, 1971, Joe B. Frantz, the interviewer.

Anything else, Lee, we need to say on pollution as far as power is concerned?

W: It's a massive subject and one that is really troubling not only the electric utility industry, but the energy industry in this country basically. It's tough, no question about it. I think that the increased public concern and awareness is best evidenced by the fact that we've got two prime political animals, President Nixon on the one hand, and Senator Edmund Muskie on the other, attempting to out-compete the other in terms of who can do the most. We are, as some observers from the energy industries have pointed out, however, moving into a more difficult period. It has been relatively easy up to now to be for doing more about the environment, slowing down the degradation.

F: We are back to the motherhood status really.

W: Yes, and now I think we're going to have to start facing up to some difficult dollar signs and some other tradeoffs. In the field of water pollution, for example, we've got President Nixon with a $12,000,000,000 program over the next three years. $2,000,000,000 a year, federal is what he has recommended in his budget and his legislative program. Senator Muskie says, "Well, that's not bad, but it's not enough. We ought to have two and half billion dollars

a year federal--maybe even three." He's even playing around with the idea of--offered it at a hearing last month--that perhaps the whole damned thing ought to be transformed into a federal program, a la the discussion about the welfare program being taken over from the states and operated by the feds. He said to Mayor Gribbs of Detroit, and Mayor Masell of Atlanta, "What do you all think about the idea of having the Corps of Engineers build these projects on a regional basis?" I don't know if it's ever going to come to that, but we're obviously groping for new ways to get on about this job of handling the impact on the environment.

And I think that Mr. Ruckelshaus, the head of the new Environmental Protection Agency, demonstrates he's a pretty conscientious fellow; he's pretty bright; and it looks like he has got some guts.

F: Various concerns about pollution have surfaced at various times historically, and certainly water pollution goes back at least to the Eisenhower days, if not before. I get the feeling that air pollution was almost a Johnsonian concern.

W: I think the public conscience was brought along a great deal during the Johnson years. We had a couple of things before, though. The great London disaster which attracted attention and the Donora, Pennsylvania disaster, and some of the problems in the Los Angeles area and in New York. But undoubtedly in the past five years, six years, there has been a tremendous increase in awareness. More poeple are speaking out. The electric utility industry has known for--I remember when I worked for TVA in the early 1950's. We knew goddamned well we were killing cows and other stuff from the

pollutants from TVA steam plants.

F: Was that considered just a cost of progress?

W: To the extent that anybody was willing to face up to it. It was talked about in hushed terms, and there was great effort to conceal it. Well, it can't be concealed now. You can't hide a bull fiddle in a Volkswagen. It's too goddamned big a problem now. And if people are truly concerned about whether they're going to be able to live, to breath properly, something has to be done and it is being done. Like so many of these other problems that are cumulative, if it is bad today it could be twice as bad a year from today. We are now at that point where with the large population and the growing population, with a highly industrialized society, and the problem increases exponentially rather than arithmetically.

F: As chairman of the Federal Power Commission, did you get the feeling that industry was looking outside for leadership in this problem? In other words, they'd like for the commission to show a strong hand?

W: No. In one of my half-a-dozen going-away press conferences when I left the commission, I was asked at each one of them the same series of questions like, "What are you happiest about," and, "What is your greatest disappointment."

On the disappointment bit I always said that the biggest disappointment that I experienced was my inability to persuade the electric utility industry that they had a problem. Obviously, when you generalize about a great industry such as that one, one statement doesn't cover all of the companies or all of the people. But with that caveat, I was appalled at how these guys really didn't think

these damned problems were theirs.

F: Is it kind of an obtuseness and innocence?

W: No, there's a kind of hope that things would be like they were when their daddies were running these companies. When the word conservationist or environmentalist was raised, in their minds immediately they thought about that kookie fringe on the periphery, the nuts with whom you can't negotiate on anything.

F: Who would like to keep the United States a vast wilderness, really.

W: Right, the guys who were for zero population growth and who would always say, "No more, we've got enough electricity, we don't need anymore. And if you do, why, tough! You'll just have to stop using it for some other purpose."

As I say, there have to be a few people who hold that view but it's a very small percentage. And where I think the utility industry was very slow and sluggish was in not realizing that for every one of them, people in that fringe, there are a hundred or two hundred who are sincerely concerned, who believe that there ought to be tradeoffs, who believe that we have not come to the point where we should never have any more transmission lines or generating plants, but who want to be reassured that these difficult and important decisions are being reached on a rational basis and that somebody is taking into account the environmental price that has to be paid. They're coming around.

F: Did you get the feeling that the federal government needed more authority over planning?

W: Oh hell, yes! I sponsored a couple of different bills, none of which ever went anywhere. And that was another one of the explanations,

I think, for the industry's problem. Or their problem was really that they didn't know they had a problem or didn't know how to go about doing anything about it. They were understandably frightened about the idea of more federal governmental involvement in their business. They believe that with the free enterprise system that it is their responsibility to see to it that there's enough power to go around and that it's reliable. I think that's probably right, that they do have that responsibility. But that doesn't mean that the federal government in our mixed system of economic controls and strengths doesn't have some responsibilities too. We're going to start having brown-outs right around the calendar, not only on the East Coast but elsewhere.

F: That's something I wanted to ask. Are our future energy requirements and our present energy capacity inadequate?

W: Well, I'd say, short-term, yes. And long-term, it's going to be yes if we don't get off our duff and do something. The answer is, there has been a remarkable increase in the growth in energy consumption. Where it had been somewhere in the order of two to three percent annually, it has now jumped to four or five.

F: It's outstripping regular industrial growth?

W: Right--or the extrapolated energy growth in the past couple of decades. This is not even uniform within the various energy forms. Natural gas, for example, went up by something like eight or nine percent annual increase. Don't forget, we've got the compounding effect. When we raise a base eight or nine percent this year, that's a hell of a lot bigger base than we raised last year, so that we have found ourselves with some very difficult energy problems.

The Federal Power Commission is given most of the blame by the industry for the shortage of natural gas on the grounds that it was artificially depressing the rates at which natural gas was pulled out of the ground and sold into interstate commerce. I hold a different view, partly, I'm sure, defensive because of my past experience on the commission, but also I think there are some very valid explanations for the current difficulties. I don't believe this is the right time to go into them, but we are in some difficulties in the energy field. I have a hunch that there will be a great deal of attention paid by the Congress this year to it. The Senate Interior Committee, for example, is undertaking a very extensive study. The administration has set up some task forces to study what many of the problems are and what the range of options open to the government may be. It goes back to your first question. A great deal of it is keyed to our concern about the environment.

F: Did you get the feeling that the power industry, regardless of the particular type of power, felt itself menaced by the Federal Power Commission rather than looking on the FPC as a concomitant to what it was trying to do?

W: Yes, I think they felt that it was not necessarily a friendly force. I don't share the view, but it was unmistakable to me. I think in part there was a feeling that, as expressed for example by Don Cook, a good friend of President Johnson's--Don is now the chairman of the board of the American Electric Power Company, one of the large holding companies, and a very well run company, exceedingly well run. I don't think Cook gets all the credit for it but it's nevertheless well run and he's a very able fellow. I can't quite quote it verbatim,

but not too long after I left the commission he was quoted in an investment newsletter as having said that for at least the first time since he could remember they have a Federal Power Commission chairman who has some sense, and who understands and is sympathetic to the problems of the industry. Suggesting that my predecessor Joe Swidler and myself obviously didn't fall in that category. I think it's a bunch of crap, frankly. But Don does speak for the views of many who believe that the Federal Power Commission was undertaking to harass them and make their life more difficult, to insinuate itself into their decision-making process, and to usurp some of their sovereignty and some of their responsibilities.

We had proposed legislation in 1967, and for a unanimous commission--I think all of us were Johnson appointees or re-appointees--and the industry just couldn't believe it. They thought that we must have taken leave of our senses. In our discussions with some of the industry groups I had one guy, Harley Branch, the head of another large holding company, the Southern Utilities, sit in our commission meeting room and say: "My lawyers have looked at your proposal, and I hope you realize that what you're doing is insinuating the federal government into some of our planning responsibilities and our obligations."--suggesting that anybody who would propose that had to, at a minimum, be a Communist.

I don't normally get riled, and I wasn't riled then, but I interrupted him to tell him I hoped he was kind of pulling my leg because the whole role played by the Federal Power Commission was to interfere with private ownership in its decisions, and that he had to do a better job than that--he had to say that what we proposed

wouldn't work, wasn't any good, or had some by-products that were worse than what we were attempting to cure. He couldn't quite get away with just saying that it would let the federal government do some things that industry itself would prefer to do. He just absolutely believed that anybody who would propose that the federal government have more to say about what happens in these fields had to be out of his mind.

F: During your oversight of the FPC, was there a long-range plan program for nuclear development for generation?

W: Yes, but it was not because of an affirmative policy on the part of the Federal Power Commission, or indeed of the government as a whole. It was a policy arrived at basically by the Congress, and in particular the Joint Atomic Energy Committee, which regarded one of the prime functions of the Atomic Energy Commission to be the development of nuclear power capability.

Disputes have raged about that. The small municipally owned systems have said, "Now look, a billion and a half dollars of the taxpayers' money has been poured into this technological development. You can't set the damned thing up so that only the large privately owned utilities can benefit from this. We ought to have some way of getting a slice of the action."

The big utilities say, "Well, now, just a second. We've got some stuff that's cheap, like nuclear; we've got some stuff that's expensive like our old teapots or old conventional plants. Why should we have to have our customers have only the less efficient and share with your people the more efficient?" And the answer given by the lawyers arguing these cases is, "Because if you don't

we'll sue you for violation of the anti-trust laws. Besides," they say, "this billion and a half was to help all people, not just those who happened to be the customers of a privately owned utility."

That is the way that is working out, by the way. There is some success that has been achieved in the courts, in the SEC, and I think that by and large there will be a little fairer sharing of the benefits of the cheaper nuclear power.

F: Do the FPC and the AEC feel competitive in this, or are they able to lock arms and hold hands?

W: I don't think there's any competition. It wasn't my idea, it was Glenn Seaborg's, but while I was still there we had a unique session one time. The five members of the AEC and the five members of the FPC got together with their principal staff officers over lunch and had an agenda and talked about some of these common issues. I don't believe that the present energy setup is anywhere close to ideal or perfect. I think that the Ashe Council appointed by President Nixon has been thrashing around in this field pretty vigorously. I don't share all of the recommendations that the council has made. I don't believe they're all useful. But I do think it makes sense to focus on them, and many of their recommendations, I believe, would be helpful. Right now it's kind of a hodgepodge and a patchwork.

F: The Rural Electric co-ops have a problem in that they can come up to the city limits. As you know, with our increased urbanization the city limits keep expanding, which presupposes that the REA is going to reduce, retreat, retrench all the time. Does the REA have an expansive and aggressive future?

W: Yes, but I think its future is not going to rest in moving necessarily

into new territory but into fuller development of the territories that are presently assigned to them. In many states there has simply been a carving up of the jurisdiction. In other states this has to be done by difficult, painful, judicial process.

Basically the co-ops, I think, have come to the point where they recognize that the absolute subsidy of the two percent interest rate is very difficult to maintain politically. Some of them don't even believe that it ought to be maintained if it were capable of being maintained politically. They just think that conceptually it made sense at a time when they were getting started, because they are fairly strong now. They have done a good job. Their operation has been fundamentally a strong one. They've repaid their loans on time. And they have created their own, as they call it, a CFC--Cooperative Financing Corporation--in which they will get money on the open market and consolidate that with the--

[interruption]

F: We were talking about the REA.

W: I think they're somewhat reconciled to the changing world and changing role. They have some pretty good leadership, and I think that they will continue for a long time to be a very important influence in rural America. There is, as you suggested at the outset, fighting around the fringes as they come close to the city. What normally happens is that a big juicy industrial load comes right out into no-mans' land, just between them, and they both break their damned balls to get it. There's a big fight over it and somebody has to win and somebody has to lose, and every once in a while they've even perhaps compromised.

F: You came in somewhat on the heels of that, specifically, New York blackout--power failure.

W: Right.

F: Did this cause much of a revision or a kind of an agonizing reappraisal, to use a dated term, in the FPC?

W: Yes. And as the old saying goes, "I'm glad you asked that question," because this is about Lyndon B. Johnson in part, and I'll tell you a Lyndon B. Johnson story that I don't believe has been told before.

When that big blackout hit, it was late in the afternoon--I think a Tuesday afternoon--on November 9, 1965. President Johnson was out somewhere on the Ranch, not in his house but running around in one of those Lincolns of his. And he heard on the radio that there was some great difficulty up in New York.

F: I was in at Austin at the time and I heard the thing as it broke. It sounded a little Orson Wellesian.

W: Yes, it sure did. The President got on the radio and called up Califano and said, "What the hell is going on."

Califano said, "I don't know. What the hell <u>is</u> going on?" He hadn't known about it. So the first word to the White House was by that world's great news follower Lyndon B. Johnson!

F: Which is the hard way to get it, I must admit.

W: Let me digress half a second. I had a running gag with Califano. He said to me one day, "You're the only goddamned guy around here who doesn't read the news ticker."

I said, "Well, I'm not sure I'm the only guy but I agree, I don't read it very much."

He said, "Well, God, I'm always scared not to."

I said, "Well, I know why because the President is always calling you about things."

He said, "Sure."

I said, "Well, the way I look at it, I don't see any point in both of us reading it. As long as he's reading it all the time, if there's anything I ought to know, he'd call me up right away and tell me to read AP 47 and straighten it out." So I didn't want to spend my time duplicating the President.

Anyhow, the President called Califano, and he said, "For God's sake, get the FPC on it."

The FPC, bless their hearts, it never occurred to them that reliability was one of their bags. You know, it's economic rate regulation and a lot of other things. And it would never have occurred to them. This, I think, is attributable to the fact that the President is just a thirty-year professional bureaucrat, and in his mind the blackout and failure of power is automatically associated with the federal government responding and doing something. Within that framework, who should it be but the Federal Power Commission!

The guy who was then chairman, Joe Swidler, was at a reception some place and when Califano finally ran him down through the resourceful White House switchborad. He said, "What's going on?"

He said, "Well, I'm at a reception."

"The President said there's a goddamn blackout in New York. You'd better be doing something about it."

"Me?" Swidler's pretty bright and he didn't have to have a ton of bricks fall on him. The first thing he knew he was back at the FPC with all the members of the commission and the chief engineer

and everybody else. And from that time on the Federal Power Commission has been deeply involved in the reliability of electric service in this country. But I think they did a good job.

F: Are we facing an immediate future, before we work things out, of blackouts and brownouts?

W: More of brownout than blackout. Blackout means that the systems are simply collapsed.

F: Non-functioning.

W: Non-functioning. That could happen, but it's less likely now that the whole system will go flat. I think our greatest problem the next few years is the brownout, which means there simply is not enough generating capacity to go around at any point in time to meet the demands at that single point in time. And this means rationing--allocation of some sort.

F: Has the FPC considered supply versus demand in this case?

W: It has looked at it, but it has no statutory authority to do anything about it.

F: Not quite in the position of the cranberry merchant who can produce to the extent of his market or vice versa?

W: That is correct. It does have some authority under existing law, and if the legislation that the commission proposed in 1967 had been enacted it would have a great deal more authority. But right now it's a little bit hamstrung. I think we will see hearings this session of Congress focusing on these problems of cutting through the difficulty that presently faces utilities in trying to secure public acceptance for their new facilities that are necessary.

New York City, I think, demonstrates in the most dramatic fashion

the problem. Consolidated Edison has been trying since 1963 to have that Hudson River Pumped Storage Project approved. The commission now has before it, after going up to the Court of Appeals and being reversed when they gave them the license to begin with, hearings, reopened hearings, an examiner's decision, and now the FPC is about to grant a license itself. That too will be appealed to the courts, you can predict, and ten years will have gone by. I don't know about the substance of it, and I never had to vote on it while I was at the commission for three and a half years. I never once had to vote on that license.

But there's something screwy about a system that takes ten years to have the damned thing resolved. And this is what has to be cut through, and this is what I believe the Congress will be focusing on, trying to develop a satisfactory, almost one-stop process or procedure whereby these tradeoffs can be arrived at and then go about the business of doing them.

F: Finally, from my standpoint, I'd like your view--you may have other things to bring up--of the charge that in effect the various regulatory agencies are almost vestigial organs on the current body politic.

W: The Ashe Council has made some sweeping recommendations and President Nixon, without endorsing them, has made them public and urged people to comment by April 20, which is, in my view, a totally satisfactory way for him to proceed because this is a big fat can of worms, and I don't see any reason for him to expose himself. There's no need to.

F: Could be an indecent exposure.

W: Could be an indecent exposure, or, at best, a fruitless one.

I think there is an awful lot that ought to be done, but I don't

think that the Ashe Council has come up with what ought to be done. The first thing that ought to be done is that the President ought to get the best damned people he can to serve. I know that's not a very imaginative recommendation, but it's certainly pretty important.

Secondly, the Congress is going to have to make funds available. There's just no two ways about it. They have starved these agencies, and they will do a better job if they have more funds.

Nevertheless, I think there is something very legitimate about the criticism that these agencies tend over a period of time to become captives or at least, if not captives, very sympathetic to the industries that they are set up to regulate. It's a little drastic, but one of the appealing recommendations is that these agencies ought to be abolished every ten years and then started all over. I wouldn't quite advocate that, but a significant shake-up is, I think, warranted.

The Congress, I think, can do a much better job in oversight. They're busy as can be, and the commerce committees which have jurisdiction over these regulatory bodies are just too hard-pressed. But it can be done. We have seen in a lot of situations, particularly with the FCC--the Federal Communications Commission--where Congress, if it doesn't like what the commission does, will simply call them in and tell them to do something different or pass a law.

We frequently forget that these agencies are discharging the commerce clause responsibilities that is vested in the Congress expressly under Article 1, Section 8, of the Constitution. It makes sense for them to have oversight. I don't think that the suggestion of having a single administrator--an Ashe Council recommendation--is

somehow or other going to improve the situation. If I got to choose the single administrator, maybe it would improve the process--

F: It is that old business, if you've got a good dictator, it's the most efficient thing.

W: That, I'm afraid, is what it looks like to me. Of course, it's more efficient because you just have one guy who has to vote instead of five, but that doesn't mean that it's going to be better or more understanding of the big issues.

I hate to be an apologist for the system, but I had the feeling while I was there that if the congressional fathers--for example, Sam Rayburn--came back and hovered over as a spirit and watched the commission at work, he would have said,"Well, I don't necessarily agree with what they've done, but the way they're going about it is kind of what we had in mind, that this is the way they would work." This is not to say that there should not be some continuing revision of the mandate that is given to the agency. As circumstances change, I think that the Congress ought to renew or revise or modify the charter and then let the boys who are on this commission operate within that framework. We don't get very much guidance from the Congress.

F: Basically, on a procedural basis, you just sort of beat on each other until something gets hammered out as an end product?

W: Yes. It's perhaps an over-simplification, but I think two heads are better than one even if one's a cabbage head. It's painful. And as a fellow who happened to be designated as chairman, there were many times, I can tell you, when it would have been a hell of a lot simpler if I'd had all the votes in my own pocket. Well, I

never had all the votes in my pocket. I always had to work with the group, but I believe that the product was better.

I also believe that while I was there, with the possibility of one exception of a fellow who came in late and I didn't get a chance to observe him--I'm not saying that he didn't fall in this category; I just don't know--all the rest of them that I served with I think honestly and sincerely tried to come up with the right results. I don't think anybody was on the take. I don't think anybody was coloring their judgment in order to become a hero somewhere. Whatever mistakes they made, which were plenty because I had to dissent an awful lot, I think were honest mistakes. I don't know if this makes them any better because the mistakes were founded on stupidity rather than venality. But more often than not, if they were not mistakes, they were differences in judgment. And I don't have any problem with that concept. I like the collegial form, even though the Ashe Council pooh-poohs it and says that it's an anachronism.

F: This is akin to the Marx Brothers annual farewell, but one other final question. You've got neighbors in Canada and Mexico who have not only power potential but power actuality. At what point does the FPC abdicate its power responsibilities and turn them over to the international diplomatic channels?

W: That happened to be a favorite topic of mine, particularly insofar as it related to Canada. The way the setup exists today, the Canadian National Energy Board is a different mechanism than the Federal Power Commission. It is not independent. It is an arm of the executive branch of the government, or the parliament. And the parliament has the clear right within the statute to reverse it, whereas the Congress would

have to enact legislation to change the law. This has created a great deal of difficulties, and it's kind of like guys on the moon dancing with each other--it's just tough as hell. It's awkward. And more importantly, if there are gaps in this nation's policies regarding energy flow across the border, up or down--and there are gaps, there are great gaps, and here's the poor damned old Federal Power Commission reaching a specific decision in a specific case which somebody else brought. It is the reacting mechanism; it reacts to somebody's application; and it imposes conditions and requirements--

F: In no case, an umbrella view of the whole affair?

W: As wise and as perceptive and as knowledgeable and as sincere as these people are, they sure as hell aren't our foreign policy mechanism that ought to be establishing policy. Yet if you can take five FPC decisions over a period of two years, draw a line underneath them, you have got a policy. It's making policy just because it has to. I had the view this was a pretty crummy goddamned way to do it.

So I went to the State department, the Assistant Secretary of State for Economic Affairs, then Tony Solomon, and said, "There's got to be a better way to do this goddamned thing. Why don't you fellows see if you can't work out some overall framework of understanding with Canada, and then if we've got a framework we're pretty good at sliding things into it." But to build the framework piecemeal by individual cases--and you never get the right case especially when you've got dissenting commissioners with different views, it's just really not a hell of a sensible way to do things."

The reason I mention this is because it shows, again, my great insight and perception because those guys are out there now and they're

trying to work something out. And I'm encouraged to believe that there will be some understanding, at least, if not something more formal, an understanding reached as to what is this nation's general policies about the importation of Canadian energy in the United States.

F: Did you yourself get involved in the tidelands activities?

W: No, only in the sense that the commission regulated the offshore areas, although like your Marx Brothers' goodbye, again in my going-away press conferences, I recommended that one of the ways that the shortage of natural gas might be at least focused on was by the federal government taking all of the oil and gas that you and I as taxpayers own offshore and developing it. I thought it at least was worth considering whether there shouldn't be a government corporation that could provide a sort of release or safety mechanism that didn't have to be producing gas only for a profit basis but also for the welfare and the well-being of people in this country. That, I must say, was an idea that sunk without a trace, but I have a hunch we'll hear more about it.

F: It may have sunk, but it'll bounce.

W: I hope so.

F: If we don't mix up some figures.

W: Since you're from Texas, I'll give you one other parting shot that I dropped, which was that there was something obscene about putting the strongest, biggest padlock on the top of a great big bag that includes natural gas in it and then carving a great big hole in the bottom called intrastate. So say I with that wonderful simplicity that you can have when you're no longer responsible.

These two damned things ought to be treated the same. Either

neither of them are regulated, or both of them are regulated. And if you want my preference, it is to regulate both of them at this stage of the game. Another brilliant idea that, so far as I know, has never been heard from.

F: I don't think it's ended. Thank you, Mr. Lee C. White.

W: Okay.

[End of Tape 1 of 1 and Interview IV]

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