

HYDRO-ELECTRIC FACTS REVIEWED

GOVERNMENT MAY DEVELOP PROJECTS UNDER NEW WATER POWER LAW.

By Judge Stephen A. Lowell

PENDLETON, Ore., May 2.—The genesis of the federal water power act of June 10, 1920, is probably to be found in an increasing alarm among the masses that there is grave danger that the priceless hydro-electric power sites and power privileges existing throughout the national domain will early pass to the hands of powerful private interests, and that they will thus be lost to future generations just as most other natural resources have been lost to the generations now living.

The law comes too late to save to the public any considerable portion of the once abounding hydraulic assets of the Atlantic coast. Substantially every important available power site upon the lakes and streams in that section of the country has already become the property of the mighty electrical and manufacturing interests centering in Boston, New York and Philadelphia. The experts employed by those industries dependent upon machinery long ago perceived that an age of electricity was being ushered in, and, ever alert to the interest of their employers, advised prompt and systematic acquisition of hydraulic power sites and privileges wherever possible to secure, and such advice has been assiduously followed.

Power applied direct from the fall of water is too limited in its scope. The same water utilized for the generation of electricity multiplies the power many-fold, and renders possible distribution over a large expanse of territory. Where, hitherto, a dozen turbine wheels have been perchance driven by a falling stream, under the more approved system of electrical transmission the same water will drive the machinery of a dozen factories scattered over a radius of 500 miles, because by modern engineering appliances electric currents are easily and efficiently carried 250 miles from a central station, with minimum of loss.

What the future may contain in this field is still in the realm of scientific mystery. It is only 40 years since water power first began to be converted into electrical energy and only 30 years since the first transmission line in the republic was installed. At first the limit of transmission was small, less than five miles, and that with notable loss of voltage. Today the use of the 250 mile limit is conservative.

Men of foresight everywhere have long since come to a realization that the coal problem, not only in America but over the globe, is to become more and more acute. Hence the international race for control of petroleum fields. Theoretically there are coal deposits in the soil of the five continents sufficient to supply the needs of man for several centuries.

Actually, measured by accessibility and by the standard of current rate of consumption, the cheaply obtainable coal deposits will be exhausted in two generations. Wood is no longer available for industrial fuel to any material degree. Indeed the time is not far distant when the United States must follow the custom of the old world, and construct dwelling houses of some other material than lumber.

Conditions Changed.

The average man, busy with his own affairs, has only recently begun to realize the changed conditions. It is only students, specialists and men directly interested in applied mechanical energy, who have fortseen the imperative enthronement of electricity in the world's industrial kingdom. Unfortunately the loose laws of states have made it possible for great corporations to quietly acquire ownership and control of lakes, water falls, potential power sites and canal rights, and they have not been procrastinators in availing themselves of the opportunities offered it. It is probable that a census of the present ownership of the water power of the forty-eight states would astound the intelligent public were such census available at this time.

Public sentiment in a free government is all-powerful when once aroused, but it frequently sleeps too long. It is a tardily awakening opinion which has compelled congress to act for the protection of the remaining waters susceptible of power development. Happily for the west, there is presumably remaining free an abundance of potential power in the upper reaches of the navigable

streams, upon the remnant of public lands and upon government reservations. Apparently it will be in the western states where will be found the chief benefit to arise from the new power legislation.

Must Regain Control.

In the east the states themselves must arouse to the crisis and, by proper laws and effective constitutional amendments recover control of water rights now in the hands of private exploiters. The subject is already one of paramount interest in several of the older commonwealths, and in another decade there probably will be no economic subject so vital or so compelling as this. The reason is obvious. Rapidly increasing population demands the utilization of every source from which motive energy may be drawn, to the end that industry may not languish or demand exceed supply. The state must more and more assert its protective power, assuring equality of opportunity and suppressing monopoly.

The federal water-power act is far from perfect, but it is at least a beginning toward an end which must count large in the economic life of the nation during succeeding centuries. Statesmanship, both political and utilitarian, looks beyond the horizon of the present to the exigencies of a distant future. The act is at least a warning to invisible mercenaries that the sun of publicity is hereafter to shine upon their operations and that there is a well-defined purpose to conserve resources and to preserve to all the people something of their remaining heritage therein.

Fundamentally the congressional purpose appears to have been to permit private capital to develop power upon government lands, reservations and navigable rivers, but at the same time to insure federal control of all operations through a system of licenses and permits. The rules and regulations of the conduct of the plants, as well as of their preliminary survey and inspection, are not declared by the statute, but are to be formulated and adopted by the federal power commission, which consists of the secretaries of war, interior and agriculture. These rules are now in process of systematization, and the representatives of the leading power companies have recently met in Washington to participate in the discussion of the framework of these rules. When the scheme of operation has been fully worked out the public can judge more clearly as to the probable value of the statute to the people as a whole. Its administration cannot be safely allowed to drift to the fold of special interests. It possesses teeth, if they be not drawn. There are, however, some very capable legisla-

tion and legal dentists in our industrial life.

May Develop Projects.

The law, fortunately, is comprehensive enough to permit development of any project by the central government itself, whenever in the judgment of the commission public interest demands. In express language the act prohibits the approval of any application presented by any citizen, association, corporation, state or municipality when the United States, in the opinion of the commission, should undertake the work, that is, when the welfare of all the people or certain peculiarly governmental functions are involved. In such cases, it is made the duty of the commission to cause to be made surveys, examinations, reports and plans to itself make formal findings and to submit all thereof to congress with proper recommendations.

It is by virtue of this mandate that navigation canalization of rivers at points where hydraulic energy exists, generation of electric power for pumping water upon irrigable lands and the utilization of hydro-electric sources for railroad electrification and other purposes in which the nation may have a direct or indirect interest, are all made possible. For instance, the whole population is vitally interested in cheap and rapid transportation. The distribution problem has become both vexatious and menacing. If the engineers in any preliminary survey locate a power site anywhere on navigable waters, public lands or government reservations, through which neighboring rail lines may be electrified at moderate cost, it thereby becomes the manifest duty of the commission to decline any private application for license, to make its own survey and investigation and to submit its findings and recommendations to congress. So also as relates to improvement of navigation and to the reclamation of any considerable body of arid lands.

Other factors might be worthy of consideration, and in time of war they might be numerous. Except, however, when some especial governmental purpose or duty is to be served, the purpose of the statute is to leave the field free to citizens, corporations, states and municipalities, (the latter term being declared to include city, county, irrigation district or other political subdivision or agency competent under the state laws to develop, transmit, utilize or distribute electric power) each to be always subject to the terms and conditions of the license itself, which is limited to a term of 50 years with conditional right of continuance or renewal.

Upon just compensation and under fair conditions the federal govern-

ment may take over any plant at the expiration of any license. This provision looks toward emergencies and epochs of peril, but thereby congress seems to have visioned a future when all public utilities will pass to national or state ownership—a situation not improbable within the span of another half century.

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