

## Court Upholds Area Gas Rate Plan

WASHINGTON (UPI) — The Supreme Court has upheld the Federal Power Commission's new method of regulating natural gas producers rates by areas instead of by each company's individual costs.

The decision was by a 5-4 vote, with Justice John M. Harlan writing the majority opinion.

"We recognize the unusual difficulties inherent in regulating the price of a commodity such as natural gas," Harlan said. "We respect the commission's considered judgment, backed by sound and persuasive reasoning, that the individual company cost-of-service method is not a feasible or suitable one for regulating the rates of independent producers."

"We share the commission's hopes that the area approach may prove to be the ultimate solution," he said for the majority.

The court's action empowers the FPC to stabilize gas rates for the consumer. Under the individual cost formula, rates fluctuated widely.

Dissenters were Chief Justice Earl Warren and Justices Tom C. Clark, Hugo L. Black and William J. Brennan Jr.

The lawsuit was a continuation of a 1954 landmark case when the Supreme Court ruled that the FPC has jurisdiction to regulate wholesale rates of 3,000 or more producers. Before that, it had been confined to rates of pipelines.

In fixing pipeline rates, the commission traditionally considered separately each company's costs of service. Then it allowed rates to provide a fair return on investment.

In the 1954 Phillips case, the commission adopted an entirely new formula because of the vast differences between producer and pipeline operations.

It announced that it would fix prices on a sectional basis by fixing ceilings in 23 specified areas.

Clark, speaking for the dissenters, was highly critical of the commission.

Discussing the area plan, he said: "If the higher and lower costs are averaged, as the commission indicates it intends to do, then the higher cost producer will still not recover his cost and the rate will be confiscatory."

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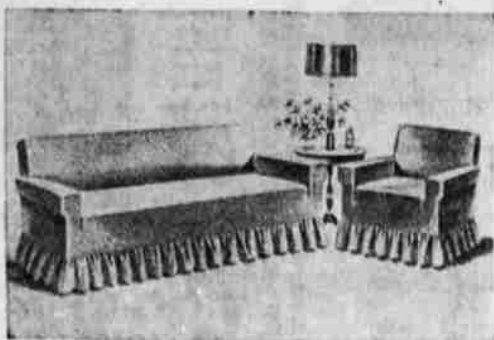


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