

November 23, 1946

Memorandum to the Conference

Re: Nos. 4 & 5 – American Power & Light Co. v. S.E.C.

I am adding the underlined part to the last full sentence on page 24:

“It does not necessarily give such plans the effect of staying proceedings under §11(b) (2) where such proceedings are initiated prior to the filing of the plans.”

I am also adding the following sentence just prior to the last sentence of the full paragraph on page 25:

“The Commission would then have no reasonable statutory alternative but to enter the §11(b) (2) order as soon as practicable, especially where the unsatisfactory plans are filed long after the institution of the §11(b) (2) proceedings.”

Frank Murphy