

1 MR. MELVIN: Yes.

2 THE CHAIRMAN: They may or may not. They
3 might. You mean they might anticipate so as to save
4 further litigation?

5 MR. MELVIN: Yes.

6 THE CHAIRMAN: In view of the reluctance of
7 the courts to decide the question before them, they might
8 not. On the other hand, they might. I don't see how we
9 could foreclose it.

10 MR. MELVIN: If they don't, then the governor's
11 plan would still be subject to court test.

12 THE CHAIRMAN: I would think so.

13 MR. MELVIN: I am wondering whether it wouldn't
14 be better to provide that it also consider that at the
15 same time, to save a step.

16 MR. HARGROVE: They would have both kind of
17 orders.

18 MR. MELVIN: I am wondering whether the courts
19 would have the governor's plan before it at the same time
20 it is considering the Legislature's plan.

21 THE CHAIRMAN: I can't conceive they would not