

In the Matter of WHITE MOUNTAIN POWER COMPANY, EMPLOYER and
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL, PETI-
TIONER

Case No. 1-RC-1027.—Decided August 29, 1949

DECISION

AND

DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before Thomas H. Ramsey, hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-member panel [Chairman Herzog and Members Reynolds and Gray].

Upon the entire record in this case, the Board finds:

1. The business of the Employer:

The Employer, a New Hampshire corporation, with its principal place of business at Meredith, New Hampshire, is engaged within the State in generating and distributing electric energy, and selling electrical appliances to customers located entirely within the State of New Hampshire. It annually purchases from sources outside the State, between \$60,000 and \$100,000 worth of replacement parts for its equipment, and about \$12,000 worth of electrical appliances for sale locally. The Employer purchases about 93 percent of the energy it distributes from the Public Service Company of New Hampshire,² and sells it to home owners, resort hotels, recreational facilities such as the Eastern Slope and Cranmore Skimobiles, and a few manufacturing concerns. The Employer's gross revenue in 1948 was approximately \$500,000.

¹ The Employer moved to dismiss the petition upon the grounds that: (1) its business will shortly be sold, and (2) the Petitioner, by failing to attend an informal conference at the Board's Regional Office, disclaimed any interest in this proceeding. The motion is hereby denied: first, for the reasons given in paragraph 3, below; second, because the Petitioner appeared at the hearing and offered testimony, thus definitely evincing an interest in this proceeding.

² The Board has asserted jurisdiction over the Public Service Company of New Hampshire. See *Matter of Public Service Company of New Hampshire*, 52 N. L. R. B. 874, and 996.

From the nature and scope of the Employer's public utility business, we find, contrary to the Employer's contention, that its operations affect commerce within the meaning of the Act, and that it will effectuate the policies of the Act to assert jurisdiction in this case.³

2. The Petitioner is a labor organization claiming to represent employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

The Employer urges that the petition be dismissed because on May 24, 1949, it signed a contract to sell its business to the New Hampshire Electric Cooperative, Inc. The purchaser, financed by the Rural Electrification Administration, will assume control if and when the Public Service Commission of the State of New Hampshire approves the contract of sale. At the time of the hearing in this case, the Employer's petition requesting such approval had not been filed with the Commission. If the Commission's approval is given, and the sale consummated, the operation of the utility will continue as at present, except for a change in officers and directors. In view of these facts, we perceive no reason why the employees should presently be denied the opportunity to select a bargaining representative to represent their interests with the Employer or any contemplated successor.⁴

4. The appropriate unit:

The Petitioner seeks to represent a unit consisting of all linemen and ground men, excluding executives, office and clerical employees, full-time meter readers, professional employees, watchmen, and supervisors. The Petitioner would also exclude two district representatives whom the Employer would include in the unit.

Each district representative lives and works in a separate, outlying area not easily accessible to the Employer's line crews. Each is a former lineman of more than average skill, who is trusted to work without immediate supervision. He spends 75 percent of his time doing the work of an ordinary lineman, and the rest in reading meters and transmitting collections from customers to the main office. He receives a slightly higher hourly rate than a lineman. He has the same vacation rights, works the same number of hours, and enjoys insurance and other benefits of linemen. In view of the foregoing facts, we shall include the district representatives in the unit.

³ *Matter of Illinois Electric & Gas Company*, 82 N. L. R. B. 1420; *Matter of Lynchburg Gas Company*, 80 N. L. R. B. 1237. Cf. *Matter of Platte-Clay Electric Cooperative, Inc.*, 83 N. L. R. B. 863, where the Board decided not to assert jurisdiction over a small utility cooperative whose sales of electricity, amounting to only \$136,000 per year, were made entirely to small farms.

⁴ Cf. *Matter of The Northwest Glove Co., Inc.*, 74 N. L. R. B. 1697; *Matter of South Carolina Granite Company*, 58 N. L. R. B. 1448, enf'd 152 F. 2d 25 (C. A. 4).

Accordingly, we find that all linemen and ground men, employed by White Mountain Power Company, Meredith, New Hampshire, including district representatives, but excluding executives, office and clerical employees, full-time meter readers, professional employees, watchmen, guards, and supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations, among the employees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, but excluding those employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, and also excluding employees on strike who are not entitled to reinstatement, to determine whether or not they desire to be represented, for purposes of collective bargaining, by International Brotherhood of Electrical Workers, AFL.