

Per Curiam

ATLANTIC CITY ELECTRIC CO. ET AL. v.
UNITED STATES ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

No. 78. Argued November 12, 1970—Decided December 8, 1970*

No. 78, 306 F. Supp. 338, and No. 106, 316 F. Supp. 337, affirmed
by an equally divided Court.

James O'Malley, Jr., argued the cause for appellants in No. 78. With him on the briefs were *Louis J. Lefkowitz*, Attorney General of New York, *Walter J. Myskowski*, *Sheila H. Marshall*, and *Alfred E. Froh*. *Charles J. McCarthy* argued the cause for appellants in No. 106. With him on the briefs were *Arthur L. Winn, Jr.*, *J. Raymond Clark*, and *Richard J. Hardy*.

Deputy Solicitor General Springer argued the cause for the United States et al. in both cases. With him on the brief were *Solicitor General Griswold*, *Assistant Attorney General McLaren*, *Howard E. Shapiro*, *Edward M. Shulman*, *William A. Imhof*, *Robert W. Ginnane*, and *Arthur J. Cerra*. *Hugh B. Cox* argued the cause for appellees *Aberdeen & Rockfish Railroad Co. et al.* in both cases. With him on the brief were *William H. Allen* and *Michael Boudin*.

John F. Donelan and *John M. Cleary* filed a brief in No. 106 for the National Industrial Traffic League as *amicus curiae* urging reversal.

PER CURIAM.

The judgments are affirmed by an equally divided Court.

MR. JUSTICE DOUGLAS took no part in the consideration or decision of these cases.

*Together with No. 106, *Alabama Power Co. et al. v. United States et al.*, on appeal from the United States District Court for the District of Columbia.