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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
HOUSTON LIGHTING AND POWER CO., et al. (South Texas Project, Units 1 and 2)	)	Docket Nos. 50-498A 50-499A
TEXAS UTILITIES GENERATING COMPANY (Comanche Peak Steam Electric Station, Units 1 and 2)	)	Docket Nos. 50-445A 50-446A

JOINT APPLICATION FOR ISSUANCE OF SUBPOENAS

The Department of Justice and the Staff of the Nuclear Regulatory Commission, pursuant to 10 CFR §2.720, hereby make a joint application for issuance of subpoenas to Jerry D. Robertson of Lamar County Electric Cooperative.

These subpoenas, which are attached to this application, call for the giving of testimony and the production of documents which are relevant to the issue of competition in the electric utility industry in the State of Texas and surrounding states, the structure of the electric utility industry in and reasonably adjacent to the State of Texas, access to nuclear power plants, other sources of generation

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and transmission and the interstate versus intrastate operation of electric utilities in and around the State of Texas.

Respectfully submitted,

Roy P Lessy, Jr. (JLH)

Roy P. Lessy, Jr.
Michael B. Blume
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Judith L. Harris

Judith L. Harris
Susan B. Cyphert
Ronald H. Clark
Frederick H. Parmenter
Attorneys, U.S. Dept. of Justice
Antitrust Division
Washington, D.C. 20530

1217 216

August 9, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing JOINT APPLICATION FOR ISSUANCE OF SUBPOENAS has been made on the following parties listed hereto this 9rd day of August, 1979, by depositing copies thereof in the United States mail, first class, postage prepaid, and where asterisks appear, service has been made by hand.

Marshall E. Miller, Esquire*
Chairman
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Michael L. Glaser, Esquire*
1150 17th Street, N.W.
Washington, D. C. 20036

Sheldon J. Wolfe, Esquire*
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Samuel J. Chilk, Secretary
Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Atomic Safety and Licensing Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Richard S. Salzman, Esquire
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Jerome E. Sharfman, Esquire
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Chase R. Stephens, Secretary*
Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Jerome Saltzman
Chief, Antitrust and Indemnity Group
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

1217 217

Roff Hardy
Chairman and Chief Executive Officer
Central Power and Light Company
P. O. Box 2121
Corpus Christi, Texas 78403

G. K. Spruce, General Manager
City Public Service Board
P.O. Box 1771
San Antonio, Texas 78203

Perry G. Brittain
President
Texas Utilities Generating Company
2001 Bryan Tower
Dallas, Texas 75201

R.L. Hancock, Director
City of Austin Electric Utility Department
P. O. Box 1088
Austin, Texas 78767

G. W. Oprea, Jr.
Executive Vice President
Houston Lighting & Power Company
P. O. Box 1700
Houston, Texas 77001

Jon C. Wood, Esquire
W. Roger Wilson, Esquire
Matthews, Nowlin, Macfarlane & Barrett
1500 Alamo National Building
San Antonio, Texas 78205

Joseph Gallo, Esquire
Richard D. Cudahy, Esquire
Robert H. Loeffler, Esquire
Isham, Lincoln & Beale
Suite 701
1050 17th Street, N.W.
Washington, D. C. 20036

Michael I. Miller, Esquire
Richard E. Powell, Esquire
David M. Stahl, Esquire
Thomas G. Ryan, Esquire
Martha E. Gibbs, Esquire
Isham, Lincoln & Beale
One First National Plaza
Chicago, Illinois 60603

Roy P. Lessy, Esquire
Michael Blume, Esquire
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Jerry L. Harris, Esquire
City Attorney,
Richard C. Balough, Esquire
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767

Robert C. McDiarmid, Esquire
Robert A. Jablon, Esquire
Spiegel and McDiarmid
2600 Virginia Avenue, N.W.
Washington, D. C. 20036

Dan H. Davidson
City Manager
City of Austin
P. O. Box 1088
Austin, Texas 78767

Don R. Butler, Esquire
1225 Southwest Tower
Austin, Texas 78701

Joseph Irion Worsham, Esquire
Merlyn D. Sampels, Esquire
Spencer C. Relyea, Esquire
Worsham, Forsythe & Sampels
2001 Bryan Tower, Suite 2500
Dallas, Texas 75201

Joseph Knotts, Esquire
Nicholas S. Reynolds, Esquire
Debevoise & Liberman
1200 17 Street, N.W.
Washington, D. C. 20036

Douglas F. John, Esquire
Akin, Gump, Hauer & Feld
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D. C. 20036

Morgan Hunter, Esquire
McGinnis, Lochridge & Kilgore
5th Floor, Texas State Bank
Building
900 Congress Avenue
Austin, Texas 78701

Jay M. Galt, Esquire
Looney, Nichols, Johnson
& Hayes
219 Couch Drive
Oklahoma City, Oklahoma 73101

Knoland J. Plucknett
Executive Director
Committee on Power for the
Southwest, Inc.
5541 East Skelly Drive
Tulsa, Oklahoma 74135

John W. Davidson, Esquire
Sawtelle, Goode, Davidson
& Tioilo
1100 San Antonio Savings
Building
San Antonio, Texas 78205

W. S. Robson
General Manager
South Texas Electric
Cooperative, Inc.
Route 6, Building 102
Victoria Regional Airport
Victoria, Texas 77901

R. Gordon Gooch, Esquire
John P. Mathis, Esquire
Baker & Botts
1701 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

Robert Lowenstein, Esquire
J. A. Bouknight, Esquire
William J. Franklin, Esquire
Lowenstein, Newman, Reis,
Axelrad & Toll
1025 Connecticut Avenue, N.W.
Washington, D. C. 20036

E. W. Barnett, Esquire
Charles G. Thrash, Jr., Esquire
J. Gregory Copeland, Esquire
Theodore F. Weiss, Jr., Esquire
Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002

Kevin B. Pratt, Esquire
Assistant Attorney General
P.O. Box 12548
Capital Station
Austin, Texas 78711

Frederick H. Ritts, Esquire
Law Offices of Northcutt Ely
Watergate 600 Building
Washington, D.C. 20037

Judith L. Harris

Judith L. Harris, Attorney
Energy Section
Antitrust Division
Department of Justice

1217 219

NRC PUBLIC DOCUMENT ROOM

CIVIL SUBPOENA (Subscriber Object)

United States of America

NUCLEAR REGULATORY COMMISSION

Document Control
AUG 9 1979
Office of the Secretary
Docketing & Service
Section

In the matter of:

HOUSTON LIGHTING & POWER COMPANY
THE CITY OF SAN ANTONIO
THE CITY OF AUSTIN and
CENTRAL POWER AND LIGHT COMPANY

(South Texas Project, Units Nos. 1 and 2)

DOCKET NOS. 50-498A
50-499A

TO

Jerry D. Robertson
Lamar County Electric Cooperative Association
1485 North Main St.
P.O. Box 580
Paris, Texas 75460

YOU ARE HEREBY COMMANDED to appear in the Offices of the Attorney General of the United States, at Room 8C6, 1100 Commerce Street

in the city of Dallas, Texas

on the 12th day of November 1979 at Nine o'clock A. M. to testify

in the above action entitled action and bring with you the document(s) or object(s) described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

_____

Susan B. Cyphert
Frederick H. Parmenter

Attorney for Antitrust Division
United States Department of Justice
Washington, D.C. 20530
Telephone (202) 724-6472/6361
(202) 724-6452

..... 19.....

POOR ORIGINAL

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer, or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

SCHEDULE

I.

DEFINITIONS

1. "Document" means, without limiting the generality of its meaning, all original (or copies where originals are unavailable) and non-identical copies (whether different from originals by reason of notation made on such copies or otherwise) of all written, recorded or graphic matter, however produced or reproduced, whether or not now in existence, of correspondence, telegrams, notes or sound recordings of any type of conversation, meeting or conference, minutes of directors' or committee meetings, memoranda, inter-office communications, studies, analyses, notes, books, records, reports, summaries and results of investigations and tests, reviews, contracts, agreements, pamphlets, diaries, calendar or diary entries, maps, graphs, charts, statistical records, computer data or papers similar to any of the foregoing, however denominated, including preliminary versions, drafts or revisions of any of the foregoing and any supporting, underlying or preparatory material.

2. "TU" means Texas Utilities Company.

3. "TP&L" means Texas Power and Light Company.

4. "HL&P" means Houston Lighting & Power Company.

5. "TIS" means the Texas Interconnected System and its predecessor organizations, the South Texas Interconnected System and the North Texas Interconnected System.

6. "ERCOT" means the Electric Reliability Council of Texas.

7. "Lamar County" means Lamar County Electric Cooperative Association.

8. "GSU" means Gulf States Utilities Company.

9. "CPSC" means Community Public Service Company.

10. "TPUC" means Texas Public Utility Commission.

1217 221

II.

CLAIM OF PRIVILEGE

If any document is withheld under claim of privilege, furnish a list which identifies each document for which privilege is claimed and which includes the following information for each such document: date, subject matter, sender, recipient, persons to whom copies were furnished together with their job titles, the basis on which privilege is claimed, and the paragraph(s) of this subpoena to which such documents respond.

III.

INSTRUCTIONS REGARDING GROUPING AND NUMBERING DOCUMENTS

It is requested that the documents submitted be grouped according to the individual paragraph of the subpoena section to which they are responsive and, within each such group, the documents should be arranged, as much as possible, in chronological order.

In order to facilitate the handling of the documents which will be received it would be appreciated if each of the documents would be numbered consecutively. It is suggested that in numbering the documents each page be numbered, except in those instances where the documents are bound together, when numbering only the first page is appropriate. This procedure, if followed, will preserve the identity of all the documents coming from the company, and also insure the accurate and expeditious return of these documents to the company.

Should any questions arise concerning this subpoena, please contact Susan B. Cyphert (202-724-6472 or 724-6361) or Frederick H. Parmenter (202-724-6452) at the following address:

Department of Justice
P.O. Box 14141
Washington, D.C. 20044

1217 222

DOCUMENTS TO BE PRODUCED

1. All documents (including, but not limited to, recordings of any type or transcriptions of any recordings) which relate or refer, in any way, to an April 25, 1979 meeting in Tyler, Texas, at the Ramada Inn, of the Tex-La coops in which the Tex-La cooperatives that receive 100 percent of their power from TP&L (Lamar County Cooperative, Hunt-Collin Cooperative, Farmers Cooperative, New Era Cooperative, Kaufman County Cooperative, Grayson-Collin Cooperative, and Fannin County Cooperative) decided, among other things, to form their own coop organization.

2. All documents (including, but not limited to, correspondence) written to, forwarded to, or received from TP&L.

3. All documents which relate or refer, in any way, to correspondence with TP&L.

4. All documents which relate or refer, in any way, to Tex-La.

5. All documents (including, but not limited to, minutes, memoranda, or notes of any type) which relate or refer, in any way, to any Tex-La meetings.

6. All documents (including, but not limited to, notes and memoranda) which relate or refer, in any way, to any meetings or conversations with TP&L personnel or attorneys representing TP&L and/or TU.

7. All documents which relate or refer, in any way, to Tex-La and which have been provided to TP&L or attorneys representing TP&L and/or TU.

8. All documents which relate or refer, in any way, to participation in any transmission project or electric generating project.

9. All documents which relate or refer, in any way, to the lack of interconnections between TIS and/or ERCOT and SWPP or any other electric utility which is presently in interstate commerce.

10. All documents which relate or refer, in any way, to the certification by the TPUC of territory which Lamar County formerly or presently served or serves.

1217 223

11. All documents which relate or refer, in any way, to engineering and/or economic assessments of the Lamar County system.

12. All documents which relate or refer, in any way, to the retention or possible retention of existing customers, or the securing of new customers, or service areas or territories (or parts thereof) by HL&P, GSU, TP&L, CPSC or any member cooperatives of Tex-La Cooperative.

1217 224

RETURN ON SERVICE

Received this subpoena at.....on

.....and on..... at.....

served it on the within named.....

by delivering a copy to h..... and tendering to h..... the fee for one day's attendance and the mileage allowed by law. [1]

Dated.....19..... BY.....

Service Fees

Travel.....$
Services.....$

.....

Total.....$

Subscribed and sworn to before me, a.....this.....

day of.....,19.....

NOTE- Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

POOR ORIGINAL

[1] *Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof.* 28 USC 1825

Civil Subpoena To Testify

United States of America

NUCLEAR REGULATORY COMMISSION

In the matter of:

HOUSTON LIGHTING & POWER COMPANY
THE CITY OF SAN ANTONIO
THE CITY OF AUSTIN and
CENTRAL POWER AND LIGHT COMPANY

(South Texas Project, Units Nos. 1 and 2)

DOCKET NOS. 50-498A
50-499A

TO

Jerry D. Robertson
Lamar County Electric Cooperative Association
1485 North Main St.
P.O. Box 580
Paris, Texas 75460

YOU ARE HEREBY COMMANDED to appear
at Room 8C6, 1100 Commerce Street
in the city of Dallas, Texas
on the 12th day of November 19.79 at Nine o'clock A.M.
(and thereafter from day to day, if necessary) to testify in the above entitled action.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY _____

_____

Susan B. Cyphert
Frederick H. Parmenter

Attorney for Antitrust Division
United States Department of Justice
Washington, D.C. 20530
Telephone (202) 724-6472/6361
(202) 724-6452

....., 19.....

POOR ORIGINAL

10 C.F.R. 2.720 (f)

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

1217 226

RETURN ON SERVICE

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.....and on..... at.....

served it on the within named.....

by delivering a copy to h..... and tendering to h..... the fee for one day's attendance and the mileage allowed by law. [1]

Dated.....19..... BY.....

Service Fees

Travel.....$
Services.....$

.....

Total.....$

Subscribed and sworn to before me, a.....this.....

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