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RELATED CORRESPONDENCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 5, 1980



Mr. James M. Scott
8302 Albacore
Houston, Texas 77074

Dear Mr. Scott:

We are in receipt of TexPirg's answers to HL&P's Fourth Set of Interrogatories and we have determined that additional information should be provided by TexPirg in response to the interrogatories. I am writing this letter in an effort to resolve our concerns informally.

In its order of December 4, 1979, the Board indicated that we were entitled to have TexPirg identify the person or persons at TexPirg with technical knowledge in the subject areas covered by each of TexPirg's contentions. In its Fourth Interrogatories, Applicant specifically asked TexPirg to identify the person or persons having technical knowledge of the contention in question. This question was propounded in Interrogatory Nos. A22(e), B12(e), C15(e), D7(e), F1(e), G10(e), H16(e), I9(e), J3(e), and K11(e). TexPirg answered that it had not identified anyone who would be a witness on the contention; however, we do not consider this answer to be responsive to the question. Accordingly, we would like you to designate the person at TexPirg who can provide the technical knowledge for TexPirg on each of its contentions covered by these interrogatories.

The problem described above is compounded by the fact that in answer to Interrogatory Nos. G8, H14, I7 and K9, TexPirg indicated that both Mr. Doherty and Mr. Johnson provided the substantive answers to each interrogatory in subparts G, H, I and K of this set of interrogatories. As you know, TexPirg has previously disclaimed any authority

Mr. James M. Scott

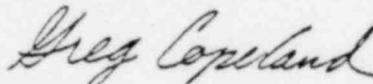
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on the part of Mr. Doherty to respond to discovery requests for TexPirg. As answered, there is no way to know which parts of the interrogatories, if any, were actually answered by Mr. Johnson. This is highly important if Mr. Johnson is to be designated as the person at TexPirg with technical knowledge of these contentions. Accordingly, we request that TexPirg indicate which parts of each interrogatory in subparts J, H, I and K were actually answered by Mr. Johnson.

Finally, TexPirg has objected to Interrogatory Nos. A18, B8, H12 and I15 on the grounds that Applicant is seeking production of (1) pre-filed testimony, (2) workpapers, and (3) work product. Applicant's request is not limited to preparation of testimony, rather the question calls for any work done by TexPirg whether or not in preparation for testimony. Indeed, TexPirg has answered that it has not identified any witnesses to testify on the contentions in question so we do not see how documents in TexPirg's possession could fall under the label of pre-filed testimony or workpapers. In any event, Applicant is entitled to discovery of a witnesses' workpapers, including drafts of testimony. There simply are no grounds for such an objection. TexPirg's reference to "work product" is hopelessly vague. What is the nature of this objection? If there are documents that are covered by these requests TexPirg must list those documents and specify the grounds for assertion of privilege. Applicant's instructions clearly called for this step to be done.

Please call me after you have reviewed this letter and let me know what your position will be with respect to these concerns.

Very truly yours,



J. Gregory Copeland

JGC/66

cc: All parties