

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

MOTION OF HOUSTON LIGHTING & POWER COMPANY
TO COMPEL RESPONSES BY CERTAIN DEONENTS

Houston Lighting & Power Company (Houston) respectfully moves the Board, pursuant to Section 2.740(f) of the Commission's Rules, for an order compelling expert witnesses designated by the NRC Staff to respond to questions about oral consultations with NRC Staff counsel concerning, or occurring during the course of, testimony given by such witnesses upon oral deposition.

Factual Background

The Board has ruled repeatedly in this proceeding that consultations between attorneys and expert witnesses, both written and oral, are discoverable and must be disclosed. E.g., Orders dated June 25, 1979, October 23, 1979. Notwithstanding these rulings, counsel for the NRC Staff instructed

Robert H. Hartley, an expert engineering witness designated by the Staff, not to answer a series of questions inquiring into consultations between the witness and NRC Staff counsel concerning his deposition testimony. While the same pattern of consultations was evident in a previous deposition of Norman C. Lerner, the Staff's economic witness,^{1/} this motion is prompted specifically by the conduct of Staff counsel during the course of Mr. Hartley's deposition.

As a routine matter, a whispered off-the-record conference was held between Staff counsel and the witness after a substantive question had been asked, but prior to an answer by the witness.^{2/} On numerous occasions, counsel interrupted the witness' answer unbidden, and consulted him at some length before the answer was completed. The transcript indicates that such whispered consultations occurred at least twenty-seven times.^{3/}

Staff counsel defended his conduct on the basis of Section 2.740a(i) of the Commission's Rules, which provides that a witness "may be accompanied and advised by counsel

^{1/} See, e.g., Lerner Deposition at 14, 30, 31, 34, 35, 41, 54, 61, 67, 133, 135, 151.

^{2/} The relevant portions of the transcript of Mr. Hartley's deposition are annexed as Exhibit A.

^{3/} See Exhibit A hereto. The transcript reflects twenty-seven instances of such "off-the-record" discussions. (Page 207 of Houston's copy is missing.) Houston believes that each of these references described a whispered conference between counsel and the witness. At points these consultations were so frequent that Houston believes that the reporter may have been unable to note all of them.

at a deposition." When counsel for Houston adverted to the rulings of the Board, Staff counsel took the position that the Board's rulings requiring disclosure of all consultations between experts and attorneys apply only to testimony to be given at the evidentiary hearing, and have no application to testimony to be given in depositions.^{4/} The Staff's claim of privilege is unsupportable as a matter of logic and is contrary to the Board's prior rulings.

Argument

Although Houston has considered requesting the Board to construe the extent and nature of advice of counsel contemplated by the regulation cited above, and may yet find it necessary to do so, we do not here object to such consultations being held. Our position is simply that, where consultations occur, examining counsel should be permitted to discover what the witness has said and what instructions or suggestions he has received. The Board has already pointed out in its rulings that disclosure of such consultations is necessary to ensure that testimony is not sanitized or suggested by counsel. This principle applies even more strongly to depositions, where the foundation of a witness' conclusions is being probed, than to testimony at the hearing. Bias or sanitization can hardly be

^{4/} Hartley Deposition at 74 -77, 79.

brought out at the hearing if it is covered up in discovery.

Moreover, Houston believes that requiring full disclosure of the communications between counsel and the witness will help to deter the coaching of witnesses. In any event, such disclosure will provide the Board with a basis for assessing the credibility of the witness' responses which follow these discussions, e.g., an admission that a particular answer has been suggested by counsel has an obvious impact on the Board's assessment of that response.^{5/}

There is plainly no merit to the attorney-client privilege claim asserted by the Staff. The relationship between counsel and his expert is identical at both a deposition and an evidentiary hearing. Yet no one would suggest that during the hearing counsel may interrupt his witness' answers during cross-examination, proceed to the witness stand and whisper in his ear, and then successfully object to all questioning as to what he has just whispered. This should not be permitted in a deposition either.

^{5/} This motion concerns all communications between counsel and expert witnesses, not only those which take place in the midst of the deposition. Where such extensive coaching takes place in full view of other parties, an attorney conducting a deposition is prompted to explore the extent which coaching has taken place in private, prior to and during recesses of the deposition.

The Staff's position is directly contrary to the Board's prior rulings. Those rulings have made it crystal clear that disclosure of attorney-expert consultations is mandatory. This rule was first applied to all written communications between attorneys and experts by Order of June 25, 1979. The Board explicitly advised the parties that this rule also fully applied to oral communications by Order of October 23, 1979, wherein the Board required discovery of draft testimony prepared by Department of Justice engineering witness William E. Scott and advised:

For the information of all counsel,
this rule [that disclosure is required]
will apply to oral consultations with
counsel by testifying [expert] witnesses,
as well as written communications.
[Footnote omitted.] [Emphasis added.]

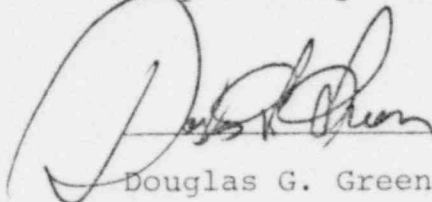
This simply could not be clearer. The Staff's position is just the opposite and is plainly in error.^{6/}

Houston is concerned that if ground rules requiring disclosure of these kinds of consultations are not established by the time fixed for further depositions of the Staff's expert witnesses, scheduled during mid-March, those depositions will be substantially obstructed by a repetition of the conduct described above. For this reason, and the reasons

^{6/} Furthermore, the Board emphasized that its ruling required disclosure of consultations concerning "prospective testimony under oath, whether written or oral." [Emphasis added.] The Board thus made it plain that even consultations about oral testimony that might be given under oath were discoverable. Consultations concerning oral testimony in a deposition, which actually is given under oath, is discoverable a fortiori.

set forth above and in the Board's prior Orders, the Board should explicitly direct expert witnesses designated by the NRC Staff to respond to questions about consultations with NRC Staff counsel concerning, or occurring during the course of, testimony given by such witnesses upon deposition.

Respectfully submitted,



Douglas G. Green

Attorney for Houston Lighting
& Power Company

OF COUNSEL:

Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002

Lowenstein, Newman, Reis
Axelrad & Toll
1025 Connecticut Avenue, N.W.
Washington, D. C. 20036

Dated: February 22, 1980

EXHIBIT A

1 Q All right. And that's the position that you
2 held when you left Arizona Public Service
3 Company?

4 A That's correct.

5 Q Who did you report to in that position?

6 A Maybe I should make a minor correction. In the
7 course of things, organizations change and
8 titles change and the last year I was there,
9 the special apparatus group was taken away from
10 me and left in the engineering department, and
11 they transferred my department over to the
12 corporate planning group.

13 MR. LESSY: Excuse me.

14

15 (Whereupon there is a discussion
16 held off the record.)

17

18 A And yes, in response to your question of who I
19 reported to, I reported to the vice president
20 of engineering for all but the last year. I was
21 there. The last year I was there, I reported
22 to the vice president of corporate planning.

23 Q Who was the vice president of corporate planning?

24 A Mr. Brussard.

25 Q And who was the vice president of engineering at

1 discussed among these utilities, were there
2 discussions that included Arizona Public Service
3 and utilities to the east including El Paso
4 Electric Company about the possibility of
5 transactions?

6 MR. LESSY: What time frame?

7 MR. BOUKNIGHT: The time frame with
8 his appointment as manager of the consulting
9 services with Arizona Public Service Company.

10 A Yes. I believe they were.

11 Q Did you participate in these discussions? Or
12 were you involved in preparing Arizona Public
13 Service Company's position in these discussions?

14 A Our vice president of resources was in charge of
15 that. I did a lot of input as a planner to his
16 position on that subject, however. Contract
17 matters were not under my jurisdiction, so it
18 was a combination of the measured contracts and
19 myself helping guide the vice president of
20 resource development.

21 MR. LESSY: Excuse me. May we go
22 off the record?

23 MR. BOUKNIGHT: Sure.

24

25 (Whereupon there is a discussion

_____ 1 held off the record.)

_____ 2

_____ 3 MR. LESSY: I'm sorry. Go ahead.

_____ 4 Q (By Mr. Bouknight) These kinds of transactions
_____ 5 were considered during that period?

_____ 6 A And were carried out, yes, sir.

_____ 7 Q All right, sir. In view of the context of the
_____ 8 Cactus Pool discussions or in the context of
_____ 9 these other negotiations, did you have occasion
_____ 10 to consider the appropriate allocation of cost
_____ 11 for transmission of power?

_____ 12 A Yes.

_____ 13 Q All right, sir. And how is that done ordinarily
_____ 14 in the dealings among Arizona Public Service
_____ 15 Company, Public Service Company of New Mexico,
_____ 16 Tucson Gas and Electric and El Paso Electric?
_____ 17 What sort of principles control these?

_____ 18 MR. LESSY: If it was ordinarily.

_____ 19 MR. BOUKNIGHT: I think he just
_____ 20 said it was.

_____ 21 MR. LESSY: Did he?

_____ 22 MR. BOUKNIGHT: Yes.

_____ 23 A My testimony was that it was being ordinarily
_____ 24 considered and there were arrangements. A
_____ 25 blanket method that evolved, if that's what

_____ 1 A Not that I can recollect.

_____ 2 Q All right, sir. When were you first contacted
_____ 3 by the NRC Staff about working on this case?

_____ 4 A Some time in 1978.

_____ 5 Q Do you have any recollection as to the month
_____ 6 or the quarter of 1978?

_____ 7 A It was the third or fourth quarter, I believe.

_____ 8 Q All right, sir. Would it have been before or
_____ 9 after the interview that you had with the
_____ 10 National Electric Reliability Council on
_____ 11 December 4, 1978 or do you recall?

_____ 12 A It was about that same time.

_____ 13 Q All right, sir. Can you describe to us the
_____ 14 substance of this first contact with the NRC
_____ 15 Staff?

_____ 16 A The first contact I had with the NRC Staff was
_____ 17 to accept an assignment to review, I believe
_____ 18 it was eight fundamental documents that they
_____ 19 provided to me.

_____ 20 Q All right, sir. At that time did they suggest
_____ 21 to you the possibility of your participating in
_____ 22 this case?

_____ 23 A My understanding at that time it was a limited
_____ 24 assignment of looking at eight documents.

_____ 25 MR. LESSY: Excuse me.

1 (Whereupon there is a discussion
2 held off the record.)

3
4 Q (By Mr. Bouknight) Were you told or did you
5 have any reason to believe when you undertook
6 this assignment that there was a good possibility
7 that you might be asked to undertake further
8 assignments with respect to this case?

9 A I personally was hoping there would be.

10 Q I see. Who contacted you then?

11 MR. LESSY: At which point.

12 MR. BOUKNIGHT: The first time.

13 A Mr. Gallop. That's G-A-L-L-O-P.

14 MR. LESSY: Excuse me.

15

16 (Whereupon there is a discussion
17 held off the record.)

18

19 Q (By Mr. Bouknight) And I gather that Mr. Gallop
20 is a partner in R. W. Beck & Associates?

21 A That's correct.

22 Q Did he relate to you the substance of his
23 communications with NRC?

24 A He relayed to me that he had negotiated an
25 umbrella contract which called for several types

_____ 1 MR. LESSY: All right.

_____ 2 Q (By Mr. Bouknight) Mr. Hartley, did you indicate
_____ 3 during this meeting on October 6th that you
_____ 4 believed power pooling benefits were denied by
_____ 5 the intrastate mode of operation pursued by
_____ 6 Houston Power and Lighting Company?

_____ 7 A I felt that I could show --

_____ 8 MR. LESSY: Excuse me.

_____ 9 MR. BOUKNIGHT: Sure.

_____ 10

_____ 11 (Whereupon there is a discussion
_____ 12 held off the record.)

_____ 13

_____ 14 Q (By Mr. Bouknight) On what basis at that time
_____ 15 did you feel that you could show that?

_____ 16 MR. LESSY: Excuse me.

_____ 17

_____ 18 (Whereupon there is a discussion
_____ 19 held off the record.)

_____ 20

_____ 21 MR. LESSY: Excuse me. Go ahead.

_____ 22 A With my experience, I felt that that was a
_____ 23 worthy item to stay.

_____ 24 Q Mr. Hartley, did your counsel suggest that
_____ 25 answer a moment ago?

1 MR. LESSY: Could you repeat the
2 question ?

3
4 (Whereupon the requested testimony
5 was read back by the court reporter.)

6
7 A From the knowledge I had at the time, that
8 was my believe.

9 Q All right, sir. And was that -- what knowledge
10 were you basing that on at the time?

11 A Having read these reports, these eight reports
12 and having had experience with developing of
13 the pools and a little bit of judgment on my
14 part.

15 Q All right, sir. Looking at the eight reports,
16 can you tell us which of those eight reports
17 formed in any part, a basis for your belief that
18 you could reach that conclusion?

19 MR. LESSY: You may review the
20 report, now.

21 Q (By Mr. Bouknight) Certainly. Take all the time
22 to look at this as you'd like to.

23 MR. LESSY: Excuse me.

24
25 (Whereupon there is a discussion

1 held off the record.)

2

3

MR. LESSY: Okay. Go ahead.

4 A

I found incomplete work in four basic documents that were provided to me.

6 Q

All right.

7 A

Based on those four which were report 1 and 2 of the Federal Power Commission for FERC.

9

Report 1 was entitled "Staff Report of Electric Reliability Council of Texas, Southwest Power Pool Electric Systems, Interconnection and Reliability Evaluation by the Federal Power Administration, dated April 1977."

10

11

12

13

14

And the second report was entitled

15

16

17

18

"Staff Report on Electric Reliability Council of Texas, Interconnection and Reliability Evaluation by Federal Energy Regulatory Commission, March 1978."

19 Q

Now -- I'm sorry. Go ahead.

20 A

21

22

23

24

And the Stagg report. That's S-T-A-G-G, which is entitled "Review of Generation and Transmission Planning Study of the Electric Facilities of the Electric Reliability Council of Texas, by Stagg System, Inc., dated December 1, 1977."

25

And finally, the study entitled,

1 "Review of Expansion Study of the Central and
2 the Southwest Corporation Electric Power System,
3 by Power Technologies, Inc., dated November 14,
4 1975."

5 Q All right.

6 A That led me to believe --

7 MR. LESSY: Excuse me.

8

9 (Whereupon there is a discussion
10 held off the record.)

11

12 A That led me to believe that I could perform and
13 present a study program which would improve those
14 four items.

15 Q Improve them in what respect, Mr. Hartley? I'm
16 not suggesting that you list the technical
17 areas in which you may disagree with those
18 studies, but what would your objective be in
19 improving them?

20 MR. LESSY: Excuse me. Do you mean
21 as a whole as opposed to each one?

22 MR. BOUKNIGHT: Yes.

23 A Well, there was considerable doubt at that point
24 in my mind what the cost benefits of inter-
25 connections would be. I, at that point, proposed

1 A I'd like the question repeated.

2 Q All right. Are you in a position today to
3 conclude or preclude that if both ERCOT and the
4 Southwest Power Pool were to be interconnected,
5 the benefits would outweigh the costs?

6 MR. LESSY: Excuse me.

7

8 (Whereupon there is a discussion
9 held off the record.)

10

11 A I think that question is too vague for me to
12 answer. It's based on what kind of interconnec-
13 tion would be best.

14 Q All right. Let's go back just a little bit,
15 Mr. Hartley. Mr. Hartley, let's recap just a
16 moment. I believe that you testified a few
17 minutes ago, and looking at this outline on
18 Exhibit 1 that you believed that when you walked
19 into the meeting on October 6th, that you could
20 show that interconnection between ERCOT and
21 the Southwest Power Pool systems would result
22 in pooling benefits. Is that a correct
23 characterization of what you said?

24 MR. LESSY: I object. I don't
25 believe -- there are two answers that impact on

1 interconnection.

2 You may answer, Mr. Hartley.

3 A I'm not prepared to defend the Federal Power
4 Commission study. I am not prepared to defend
5 ^{the} ~~five~~ points of interconnection. I'm not prepared
6 to --

7 MR. LESSY: He's not asking you
8 that.

9 MR. BALDWIN: Don't interrupt him.
10 Let him finish his answer.

11 MR. LESSY: Excuse me for a second.

12
13 (Whereupon there is a discussion
14 held off the record.)

15
16 Q (By Mr. Bouknight) Would you please complete
17 your answer? Perhaps if the reporter could
18 read back your last response.

19 MR. LESSY: Why don't you read
20 the original question.

21 A I'm not prepared to defend any type of inter-
22 connection at this point.

23 Q All right, sir. Do you know of anyone who is
24 doing the kinds of studies they recommended to
25 the NRC?

_____ 1 the area, and some depositions.

_____ 2 Q Were you told --

_____ 3 MR. LESSY: Let him finish.

_____ 4 MR. BOUKNIGHT: Have you finished?

_____ 5 I'm sorry if I interrupted you.

_____ 6 A That's as much as I can remember.

_____ 7 Q All right. Now, who gave you -- well, who
_____ 8 specified the documents that you were being
_____ 9 asked to review?

_____ 10 A Mr. Lessy.

_____ 11 Q All right. And can you --

_____ 12 A Specified is a mischaracterization. I think
_____ 13 supplied would be better applied.

_____ 14 Q All right, sir. And what did he ask you to do
_____ 15 with the documents?

_____ 16 A To further review them and become familiar with
_____ 17 them.

_____ 18 Q Did he indicate any purpose in mind?

_____ 19 A We were to have a future oral discussion of those
_____ 20 documents.

_____ 21 MR. LESSY: One second.

_____ 22

_____ 23 (Whereupon there is a discussion
_____ 24 held off the record.)

_____ 25

_____ 1 NRC was present?

_____ 2 A A Mr. Toalston. That's T-O-A-L-S-T-O-N.

_____ 3 From NRC, that is.

_____ 4 Q Who not from the NRC was present?

_____ 5 A One member of my staff.

_____ 6 Q Who is that?

_____ 7 A A Mr. Hunkins. That's H-U-N-K-I-N-S.

_____ 8 Q Is he helping you with your assignment?

_____ 9 A He and several others are helping me with my

_____ 10 assignment, yes, sir.

_____ 11 MR. LESSY: Excuse me.

_____ 12 MR. BOUKNIGHT: All right.

_____ 13

_____ 14 (Whereupon there is a discussion

_____ 15 off the record.)

_____ 16

_____ 17 Q Who else, other than Mr. Hunkins is working

_____ 18 with you or for you?

_____ 19 A At this time?

_____ 20 Q Yes, sir. With respect to this case. Let's

_____ 21 talk from the beginning of the case, Mr. Hartley.

_____ 22 I'm talking about from the first assignment

_____ 23 that you were given by the NRC in the middle of

_____ 24 1978. Who was or has worked with you or under

_____ 25 your supervision in carrying out your assignments

_____ 1 for the NRC?

_____ 2 MR. LESSY: You don't mean secre-
_____ 3 tarial support personnel, do you?

_____ 4 MR. BOUKNIGHT: No. I don't mean
_____ 5 that. Professional or para-professional
_____ 6 personnel.

_____ 7 A Mr. Ronald Wasson. That's W-A-S-S-O-N. Are you
_____ 8 looking for engineering assistants?

_____ 9 Q I don't know what an engineering assistant is,
_____ 10 so I don't know.

_____ 11 A Beginning level engineers.

_____ 12 Q I'm looking for anyone who might have helped
_____ 13 you in a substantive way in your work on this
_____ 14 case. Someone who might have contributed toward
_____ 15 what you were doing.

_____ 16 A Mr. Charles Revell. That's R-E-V-E-L-L. And Mr.
_____ 17 Harvey Hunkins.

_____ 18 MR. LESSY: Excuse me.

_____ 19

_____ 20 (Whereupon there is a discussion
_____ 21 held off the record.)

_____ 22

_____ 23 Q (By Mr. Bouknight) Now, are these people working
_____ 24 on this assignment working under your supervision?

_____ 25 MR. LESSY: That assumes that they

1 Q All right, sir. Mr. Hartley, aside from review-
2 ing documents, have you talked with anyone
3 other than counsel for the NRC about this case?

4 A No, sir.

5 Q All right.

6 MR. CHANANIA: Excuse me. What is
7 the answer?

8 MR. LESSY: No, sir.

9 MR. BOUKNIGHT: You need a minute?

10 MR. CHANANIA: Wait a minute. I'd
11 like to hear the question.

12 Would you read back the question?

13

14 (Whereupon the requested testimony
15 was read back by the court reporter.)

16

17 MR. LESSY: Go ahead and finish
18 your answer.

19 THE WITNESS: Okay.

20 A Counsel and his staff --

21 MR. LESSY: Wait a minute.

22

23 (Whereupon there is a discussion
24 held off the record.)

25

_____ 1 explain what you mean by "finally" in that answer.

_____ 2 A I don't believe I am able to answer that
_____ 3 question. Could you be more specific?

_____ 4 MR. LESSY: Let me just talk to him
_____ 5 for a minute.

_____ 6 MR. BOUKNIGHT: Sure.

_____ 7
_____ 8 (Whereupon there is a discussion
_____ 9 held off the record.)

_____ 10

_____ 11 MR. LESSY: Go ahead.

_____ 12 Q (By Mr. Bouknight) Mr. Hartley, let me try to
_____ 13 ask you a question that's more to the point.
_____ 14 Right now, are you being delayed in doing work
_____ 15 that you think should be done or you should be
_____ 16 doing in the nature of reviewing the documents
_____ 17 because of the lack of contractual authorization
_____ 18 from the NRC to do the work?

_____ 19 A I have been delayed for two reasons. I made a
_____ 20 special trip to Houston to get material, and it
_____ 21 wasn't made available. Subsequent to that, I
_____ 22 assisted in making another request, and have
_____ 23 just now received that material.

_____ 24 Q Okay.

_____ 25 A So, I'm not aware that I received all of it.

1 Q Are you going to review it now?

2 A I intend to review it, yes.

3 Q You have been authorized to review it?

4 MR. BLUME: Objection. Asked and

5 answered.

6 Q (By Mr. Bouknight) You may answer the question.

7 Have you been authorized to review it?

8 A I don't have an extension of contracts to do

9 it at this point.

10 Q All right. And then --

11 MR. LESSY: Excuse me.

12

13 (Whereupon there is a discussion

14 held off the record.)

15

16 Q (By Mr. Bouknight) Did you want to modify your

17 answer on the basis of comments by your counsel?

18 A Yes. I'll be reviewing those documents.

19 Q All right, sir. And does that mean that you

20 just learned that you will be contractually

21 authorized to review the documents?

22 A No. That's not true. It means that I have a

23 workload before me and haven't gotten to it yet.

24 Q All right, sir. What did you mean a few moments

25 ago then when you said that you intended to

1 Q Mr. Hartley, can you verify that answer for us?

2 As I understand, you have now reviewed the
3 response that was provided by the NRC to
4 Houston interrogatories or a response which was
5 provided under oath describing the expected
6 areas of your testimony. Can you clarify for
7 us what you mean by saying that you don't know
8 whether it encompasses all the areas that you
9 will testify about?

10 A Well, my dilemma here is that that certainly
11 encompasses broad areas. I have been informed
12 several times that this is oral testimony to
13 be given. I don't know where oral examination
14 will take us.

15 Q I understand. Do you anticipate, at this time,
16 being asked questions about any subjects that
17 are not compassed within this answer?

18 A I have no anticipation one way or the other.
19 I don't know.

20 Q Mr. Hartley, you're not telling us that you will
21 anticipate testifying completely extemporaneously,
22 are you?

23 A I don't believe any engineer testifies without
24 material.

25 Q I presume -- do I assume correctly that you and

1 counsel for the NRC Staff will confer with each
2 other, plan and outline in considerable detail
3 the areas of testimony that you will be asked
4 to give in the proceeding?

5 MR. LESSY: Excuse me.

6
7 (Whereupon there is a discussion
8 held off the record.)

9
10 A Would you repeat that?

11 MR. BOUKNIGHT: Would you read back
12 the last question?

13
14 (Whereupon the requested testimony
15 was read back by the court reporter.)

16
17 A I would certainly expect that to be so.

18 Q Has any of that been done to date?

19 A In a preliminary way, yes.

20 Q All right, sir. Can you tell us if the pre-
21 liminary discussions that you have had with the
22 NRC Staff counsel are in any respect different --
23 well, let me rephrase that.

24 Can you tell us if the preliminary
25 discussions you have had with counsel for the NRC

1 (The instrument referred to was
2 marked for identification Hartley Exhibit 3,
3 and a copy is attached hereto.)
4

5 Q (By Mr. Bouknight) Mr. Hartley, have you ever
6 seen this before?

7 A Yes, sir.

8 Q Have you read it?

9 A Yes, sir.

10 Q All right, sir. And for clarification, Exhibit
11 3 is testimony presented by Mr. E. D. Scarth,
12 a vice president of Texas Electric Service
13 Company in the Securities and Exchange Commission
14 which is entitled "In the Matter of Central and
15 Southwest Corporation, Et Al."

16 MR. LESSY: And it's dated
17 approximately July 2nd, 1979, or filed approxi-
18 mately July 2nd, 1979.

19 Q (By Mr. Bouknight) Mr. Hartley, would you turn
20 to page 8 of Exhibit 3, please, sir?

21 A Yes.

22 Q Would you read the full paragraph that appears
23 on that page? Just read it to yourself, and
24 think about it for a moment.

25 MR. LESSY: Off the record.

1 (Whereupon there is a discussion
2 held off the record.)

3
4 MR. BOUKNIGHT: All right. We'll
5 see you later.

6
7 (Luncheon recess.)

8
9 MR. BOUKNIGHT: Are we ready?

10 MR. LESSY: Yes, sir.

11 Q (By Mr. Bouknight) Mr. Hartley, during the lunch
12 break today, did you discuss your testimony with
13 your attorney?

14 MR. LESSY: Objection. Do you
15 want to handle that?

16 MR. BLUME: I'll instruct the
17 witness not to answer that question, Mr.
18 Bouknight, for the purposes of this deposition.
19 I believe there's an attorney-client relation-
20 ship, and I'm not going to let the witness
21 answer that.

22 MR. BOUKNIGHT: Mr. Blume, I have
23 to point out that the Board's order last week
24 could not have been clear on that subject.
25 Have you read the Board's order?

1 MR. BLUME: I've read it, and I'm
2 instructing the witness not to answer for
3 purposes of this deposition. If you wish to
4 question Mr. Hartley at the hearing, that may
5 be another matter.

6 MR. BOUKNIGHT: Would you read
7 back the question, please?

8
9 (Whereupon the requested testimony
10 was read back by the court reporter.)

11
12 MR. BOUKNIGHT: Are you instructing
13 him not to answer?

14 MR. CHANANIA: So we are clear,
15 are you talking about testimony which he may or
16 may not have expectation of giving at trial, or
17 testimony that he gave under oath this morning?

18 MR. BOUKNIGHT: Testimony that he
19 gave this morning, or may give under oath this
20 afternoon.

21 MR. BALDWIN: All he's asking is
22 whether or not he discussed it.

23 MR. BLUME: Okay. I suppose you
24 can answer that.

25 A In what context?

1 Q Any context. Did you, over lunch today, discuss
2 with your attorney or any of the other attorneys
3 your testimony here today?

4 A I discussed the testimony that took place,
5 yes.

6 Q All right. Did you receive any advice or
7 instructions on how you should answer questions
8 this afternoon?

9 MR. LESSY: Objection.

10 MR. BLUME: Objection. Mr.
11 Bouknight, I instruct the witness not to answer
12 that. There's an attorney-client relationship
13 and for purposes of this deposition, I'll
14 continue to instruct the witness not to answer
15 as long as you try to delve into the substance
16 of any of the conversations between Mr. Hartley
17 and ourselves.

18 MR. BOUKNIGHT: All right. And
19 I shall continue to delve.

20 MR. BALDWIN: Certify that.

21 MR. BOUKNIGHT: Well, we'll certify
22 these questions.

23 Q (By Mr. Bouknight) Mr. Hartley, did you discuss
24 with your attorneys the answers you gave this
25 morning to answers --

1 MR. LESSY: Excuse me. Objection.

2 MR. BLUME: I'm instructing the
3 witness not to answer that.

4 Q (By Mr. Bouknight) Did you discuss with the
5 attorneys during the lunch recess today the
6 testimony which you might give in this case?

7 MR. LESSY: Objection.

8 MR. BLUME: And I'm instructing
9 the witness not to answer. If you continue,
10 Mr. Bouknight, we're going to have to consider
11 closing this deposition down.

12 MR. BOUKNIGHT: Mr. Blume, you're
13 on rather weak grounds. I certainly have the
14 right. However, you are --

15 MR. BLUME: If you want to call the
16 Board --

17 MR. BOUKNIGHT: Excuse me. May I
18 complete my sentence?

19 I certainly have the right to ask
20 those questions and build a record of the
21 answers you instructed him not to answer.

22 MR. LESSY: I don't have a problem
23 with that. As long as we do it in reasonable
24 length.

25 MR. BOUKNIGHT: Certainly. I

1 don't plan to go through this all afternoon.

2 Can we agree at this point, Mr.
3 Lessy, Mr. Blume, that without the necessity
4 of my asking any further questions along these
5 lines, that if the Board upholds our position
6 on these questions, that we will be free to
7 pursue this line of questioning without restric-
8 tion to the questions that we have asked right
9 now?

10 MR. BLUME: To the extent that
11 you're asking questions about Mr. Hartley's
12 deposition testimony, I will agree to that.

13 MR. LESSY: As long as the questions
14 are not otherwise objected to.

15 MR. BOUKNIGHT: I'll just ask
16 Mr. Hartley about his trial testimony.

17 MR. BLUME: You asked him if we
18 discussed it in the context of this deposition,
19 I believe.

20 MR. BALDWIN: No he didn't.

21 MR. BOUKNIGHT: Mr. Blume, let's
22 cut through all of this. One, I am asking a
23 witness a line of questions which you don't
24 want him to answer.

25 Now, number two, you apparently

1 are offended by the thought of sitting here
2 and objecting one by one as I ask the question.

3 MR. BLUME: I agree.

4 MR. BOUKNIGHT: That leads me to
5 ask you what seems to be a very logical
6 question. Can we dispense with the necessity
7 of my having to build a copious record by
8 asking the questions one after the other?

9 MR. BLUME: I answered you before
10 insofar as your questions relating to any
11 communications between Mr. Hartley and our-
12 selves regarding his deposition. We can agree
13 that there is no need for you to ask individual
14 questions.

15 MR. BOUKNIGHT: All ri ht.

16 Q (By Mr. Bouknight) Mr. Hartley, have you had
17 today any discussions with your attorney con-
18 cerning your testimony, the testimony which you
19 anticipate giving at the hearing?

20 MR. LESSY: Wait a second.

21
22 (Whereupon there is a discussion
23 held off the record.)

24
25 MR. LESSY: Go ahead.

_____ 1 of the system?

_____ 2 MR. LESSY: I object to it. It's
_____ 3 asked and answered twice. He answered the
_____ 4 question. You may not like his answer, but he
_____ 5 did answer it.

_____ 6 You may answer it again.

_____ 7 Q (By Mr. Bouknight) You may answer, Mr. Hartley.

_____ 8 MR. LESSY: Excuse me.

_____ 9
_____ 10 (Whereupon there is a discussion
_____ 11 held off the record.)

_____ 12
_____ 13 A Could you repeat my attempted answer?

_____ 14 MR. BOUKNIGHT: Would you repeat
_____ 15 his previous answer?

_____ 16
_____ 17 (Whereupon the requested testimony
_____ 18 was read back by the court reporter.)

_____ 19
_____ 20 A I have stated to you that load shedding relays
_____ 21 are an accepted practice in all parts of the
_____ 22 country for preventing one means of minimizing
_____ 23 cascading outages.

_____ 24 Now, from there, I'm unable to
_____ 25 get more specific and have you tell me what types

1 MR. BOUKNIGHT: All right. Let's
2 go on the record.

3 Q (By Mr. Bouknight) Mr. Hartley --

4 MR. LESSY: Excuse me.

5

6 (Whereupon there is a discussion
7 held off the record.)

8

9 A There was one -- I was rattling off a number of
10 things before that I haven't been provided with.

11 Q Yes, sir.

12 A You know, the things that I would like to have,
13 and I left one out.

14 Q All right.

15 A Is it too late to specify that one?

16 MR. LESSY: No.

17 Q (By Mr. Bouknight) I guess that our position is
18 first that if we have been requested to provide
19 these materials and haven't provided them, then
20 Mr. Copeland and I will get on it and see to
21 it that we respond to the extent we can. If
22 we haven't been requested to provide something,
23 then we're not committing ourselves in response
24 to your testimony here this afternoon that we
25 will go home and do it.

1 Q Yes, sir. Are there any others?

2 A Certainly. The great one was in 1965 that
3 everybody is knowledgeable of.

4 Q All right, sir. And would you classify any
5 of the difficulties that have occurred from
6 time to time in the State of Florida in that
7 category?

8 A You have just jumped from one problem to a
9 completely different arena. But in answer to
10 that question, there have been cascading outages
11 in Florida.

12 Q Do you know of any situation where there have
13 been cascading outages on the ERCOT system?

14 A I think I'd be talking here of a matter of
15 degree.

16 MR. LESSY: Excuse me.

17

18 (Whereupon there is a discussion
19 held off the record.)

20

21 A I believe I know of one.

22 Q All right, sir. What did Mr. Lessy just whisper
23 in your ear?

24 MR. LESSY: Objection. I'll
25 instruct him not to answer that. That's legal

1 advice in the context -- it wasn't the answer,
2 if that's what you're concerned about. It's
3 legal advice.

4 A As I'm sitting here, I remember two.

5 Q Why don't you tell us about them.

6 A I would classify that blackout in San Antoine
7 as cascading outage.

8 Q Tell us what happened when this happened and
9 what happened.

10 A All I know is that they went black, and that's
11 serious when the town goes black. That's what
12 I would call a cascading outage that you don't
13 want to have happen.

14 Q What does the word "cascading" mean to you?

15 MR. LESSY: What is the definition
16 of a cascading outage?

17 MR. BOUKNIGHT: Yes.

18 Q (By Mr. Bouknight) What does it mean to you,
19 Mr. Hartley?

20 A A series of events, is what it means to me.

21 Q All right. Do you have anything else to add
22 in light of Mr. Lessy's suggestion?

23 MR. LESSY: What suggestion is that?

24 MR. BOUKNIGHT: The one that you
25 just whispered a moment ago.

1 MR. LESSY: I instructed him not to
2 answer that and I gave Mr. Hartley legal advice
3 in this context. It's been my practice here
4 throughout this deposition.

5 MR. BOUKNIGHT: I'm not denying
6 that you have the right to advise the witness,
7 Mr. Lessy. I am certainly challenging your
8 position that I can't inquire as to what he's
9 been advised of.

10 MR. LESSY: Maybe we ought to
11 invite you for lunch with us so we don't get
12 into these controversies.

13 MR. BOUKNIGHT: All right. I
14 accept.

15 Q (By Mr. Bouknight) What's the other one, Mr.
16 Hartley?

17 MR. LESSY: The other what?
18 Cascading outage?

19 MR. BOUKNIGHT: Yes. On the ERCOT
20 system.

21 Q (By Mr. Bouknight) You said that you could think
22 of two.

23 A The other one was when the airplane flew into
24 your P. H. Robinson system.

25 Q Well, what was there about that event that

1 (Whereupon there is a discussion
2 held off the record.)

3
4 MR. BOUKNIGHT: Do I correctly
5 assume that the conferences between counsel and
6 the witness are not for the record?

7 MR. LESSY: That fact that I gave
8 the witness advice?

9 MR. BOUKNIGHT: Yes.

10 MR. LESSY: Every time I speak you
11 put that down?

12 THE REPORTER: Yes.

13 MR. BOUKNIGHT: Let the record
14 show that counsel just whispered in the
15 witness' ear.

16 A Well, power pooling is a very general term. I
17 don't believe that it has any complete accurate
18 definition per se. I have argued that and
19 others have argued that. In my mind, a power
20 pool is when any two companies have contractual
21 relationships with another pool or with another
22 company that is a pool.

23 Now, as a whole -- there's a whole
24 host of complexities of power pooling starting
25 from the very beginning of the thing on upward.

1 ERCOT?

2 A I have no knowledge at this point in time of
3 how many economy exchanges have taken place.

4 Q Do you have any basis for believing that any
5 system in ERCOT has been denied the opportunity
6 to participate in any exchange of power or
7 energy with any other system in ERCOT as a
8 result of the limitations on the availability of
9 transmission?

10 A This was a study that I suggested. If I had
11 done this study, I would answer those questions.

12 Q All right. And right now, you don't know of
13 any such instance; is that correct?

14 A I heard -- I hear rumors and things, but I'm
15 not passing those onto you.

16 Q All right.

17 MR. BOUKNIGHT: Let the record
18 show that Mr. Lessy, again, advised the witness.

19 MR. LESSY: Let the record show
20 that Mr. Bouknight again took a drink of his
21 iced tea.

22 MR. BOUKNIGHT: It's a tab,
23 Mr. Lessy.

24 MR. LESSY: It's out of the same
25 significance.

1 MR. BOUKNIGHT: It's of much
2 greater significance, because in this deposi-
3 tion you have taken the position that you will
4 not allow the witness to testify about the
5 communications that he's receiving from his
6 counsel. In the depositions that I have
7 participated in, there have been far, far more
8 communications between counsel and the witness
9 here today than I've seen in this case.
10 That's the reason I'm making it a point.

11 MR. BLUME: You should come to
12 Dallas.

13 MR. LESSY: It says legal advice
14 is --

15 MR. BALDWIN: It doesn't say
16 anything about answers.

17 MR. BOUKNIGHT: I recall everything
18 that lawyers say to their expert witnesses are
19 discoverable.

20 MR. LESSY: There are a lot of
21 Board ruling there. Let's get on with the
22 deposition.

23 Q (By Mr. Bouknight) Mr. Hartley, I believe there
24 was, before this colloquy, a question pending.
25 I believe you had just said to me that you

_____ 1 exchanges?

_____ 2 A Yes.

_____ 3 Q What's the nature of that equipment?

_____ 4 A Telemetering equipment.

_____ 5 Q In addition to effect, if any, on the ties
_____ 6 themselves, what effects might such large
_____ 7 inadvertent flows as we have just been talking
_____ 8 about have on sub-transmission lines?

_____ 9 A That's too general for me to answer. In my
_____ 10 planning in the past, I've tried to design so
_____ 11 that there's a balance between the sub-
_____ 12 transmission and the overlay high voltage
_____ 13 transmission, so I just won't know without
_____ 14 knowing the flows on the specific network
_____ 15 you're referring to.

_____ 16 Q As a general proposition, would you agree that
_____ 17 sub-transmission has to be sized to handle
_____ 18 some quantity of flows in excess of normal
_____ 19 loading?

_____ 20 MR. LESSY: Excuse me.

_____ 21

_____ 22 (Whereupon there is a discussion
_____ 23 held off the record.)

_____ 24

_____ 25 A Transmission lines have normal and emergency

1 answered, but I'm going to note an objection
2 on the record. Mr. Lessy earlier today took
3 the position that he would bar Houston Lighting
4 and Power Company from inquiry into these
5 communications. And I object to it on the
6 basis that the question you have just asked
7 is inconsistent with that objection.

8 MR. LESSY: You may answer.

9 THE WITNESS: Mr. Lessy has given
10 me legal counsel. There was no interchange
11 of anything technical in our conversations.

12 MR. LESSY: I resent the implica-
13 tion that there might have been. It was pure
14 legal advice.

15 MR. BOUKNIGHT: Well, Mr. Hartley,
16 do you have a legal problem of some kind?

17 THE WITNESS: Only one of in-
18 experience with you lawyers.

19 MR. BOUKNIGHT: Yes, sir. But
20 Mr. Lessy is giving you advice with respect
21 to your deposition today, is he not?

22 THE WITNESS: Yes.

23 MR. BOUKNIGHT: Would you kindly
24 tell us how you distinguish advice from Mr.
25 Lessy as between legal advice on the one hand

1 reserves in dollars per kilowatt year would
2 be worth on a system.

3 Q All right.

4 A I disagree with some of the numbers as I look
5 at them, but it's a jumble of different
6 approaches.

7 MR. LESSY: Excuse me.

8 MR. KNOTTS: Sure.

9
10 (Whereupon there is a discussion
11 held off the record.)

12

13 MR. LESSY: Go ahead.

14 Q (By Mr. Knotts) Just for the sake of clarifica-
15 tion, Mr. Hartley, before we go on, I see that
16 the answer uses the word "cost of reserves,"
17 and that in your answer, I believe you used the
18 term "value" and the term "worth."

19 Now, Mr. Hartley, are they
20 interchangeable terms, or do you mean something
21 slightly different when you use the term "value"
22 or "worth"?

23 A The two terms are the same.

24 Q All right. Thank you. You say that there is
25 some numbers in here that you agree with and

1 (Whereupon there is a discussion
2 held off the record.)

3
4 MR. LESSY: Well, let Mr. Hartley
5 review this document.

6 MR. KNOTTS: Fine.

7
8 (Whereupon a recess was had.)

9
10 MR. LESSY: All right. There is
11 a question pending.

12 Q (By Mr. Knotts) Mr. Hartley, we're back on the
13 record now. It's been about an hour or so,
14 and the reporter has very kindly provided us
15 with a typewritten version of the pending
16 question. You may refer to that if you wish.

17 MR. LESSY: Well -- never mind.

18 A Before I start to answer that question, I
19 would like to apologize. To the extent possible,
20 I will try to keep this to an engineering
21 session.

22 Q Fine.

23 A The testimony is so engrained with emotion and
24 the lack of rationale that I may get into areas
25 that I apologize for beforehand. I don't intend

1 some of the lightning problems of transmission.

2 Then Mr. Scarth goes on to
3 proliferate a discussion between Arkansas Power
4 and Light and other things, all in a time frame
5 that refuses to recognize the tremendous
6 technological advancement of the area of power
7 transmission available to the industry from
8 about 1958 to today. His statements are
9 obsolete.

10 Now, I'm on page 4. Excuse me.
11 Interruption here. Are these the kind of things
12 you want to know?

13 Q Yes. Fine.

14 MR. LESSY: Excuse me.

15
16 (Whereupon there is a discussion
17 held off the record.)

18

19 MR. LESSY: Go ahead.

20 A Now, I am on page 4, the large paragraph at the
21 center there. I have heard a great deal about
22 the Hoffman tie. The cursory analysis that
23 I've been exposed to of the Hoffman tie simply
24 demonstrates a principle that any system planner
25 would also agree that insufficient ties are bad.

LAW OFFICES

LOWENSTEIN, NEWMAN, REIS, AXELRAD & TOLL

1025 CONNECTICUT AVENUE, N. W.

WASHINGTON, D. C. 20036

202-862-8400

ROBERT LOWENSTEIN
JACK R. NEWMAN
HAROLD F. REIS
MAURICE AXELRAD
DAVID R. TOLL
KATHLEEN H. SHEA
J. A. BOURNIGHT, JR.

E. GREGORY BARNES
MICHAEL A. BAUSER
DEBORAH L. BERNSTEIN
ALBERT V. CARR, JR.
ROBERT H. CULP
PETER G. FLYNN
WILLIAM J. FRANKLIN
FREDERIC S. GRAY
DOUGLAS G. GREEN

February 22, 1980

HAND DELIVER

David Stahl, Esquire
Isham, Lincoln & Beale
Counselors at Law
1050 17th Street, N.W.
Seventh Floor
Washington, D. C. 20036

Re: Documents Identified And Requested
During The Deposition Of Durwood Chalker

Dear Mr. Stahl:

During Mr. Chalker's deposition on February 19, 1980, his testimony revealed that he maintains personal files on CP&L operations. Included in these files are documents received from Mr. Borchelt's department. It is my understanding that Mr. Borchelt is the Executive Vice-President and the Chief Engineering Officer of CP&L and that he supervises CP&L's Engineering Department, including such pertinent matters as system planning, generation design and construction, transmission design and construction, and transmission operations. Mr. Borchelt reports directly to Mr. Chalker. Accordingly, I requested in the deposition that CP&L produce all documents in Mr. Chalker's personal files which he received from Mr. Borchelt's department.

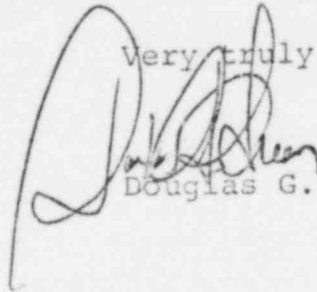
This will formally reiterate my request for all such documents. Please have all these documents copied and mailed to me, and Houston will reimburse you for the expense.

During the deposition you indicated you would object to producing these documents on the grounds that Houston's request was untimely. Given that the request was made well

David Stahl, Esquire
February 22, 1980
Page Two

before the cut-off date then in effect by Order of the Board, that objection is particularly without merit; indeed since the deposition the Board has extended the cut-off date until March 14, 1980. If CP&L will refuse to produce these documents, please advise me in writing by February 27, 1980, and I will file the appropriate motion with the Board.

Very truly yours,



Douglas G. Green

DGG/nm

cc: Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

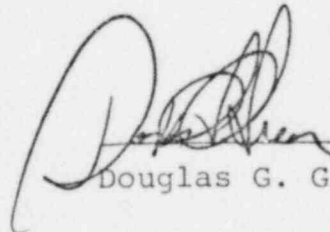
In the Matter of)	
)	
HOUSTON LIGHTING & POWER COMPANY,)	Docket Nos. 50-498A
et al.)	50-499A
)	
(South Texas Project, Units 1)	
and 2))	
)	
TEXAS UTILITIES GENERATING COMPANY)	Docket Nos. 50-445A
et al.)	50-446A
)	
(Comanche Peak Steam Electric)	
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing:

MOTION OF HOUSTON LIGHTING & POWER COMPANY
TO COMPEL RESPONSES BY CERTAIN DEONENTS
and Letter to David Stahl, Esquire

were served upon the following persons, by hand *, or by deposit
in the United States Mail, first class postage prepaid, this 22nd
day of February, 1980.



Douglas G. Green

* Marshall E. Miller, Esquire
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Michael L. Glaser, Esquire
1150 17th Street, N.W.
Washington, D.C. 20555

* Sheldon J. Wolfe, Esquire
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

* Chase R. Stephens, Supervisor (20)
Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

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

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

R. Gordon Gooch, Esquire
Steven R. Hunsicker, Esquire
Baker & Botts
1701 Pennsylvania Avenue
Washington, D.C. 20006

* Roy P. Lessy, Jr., Esquire
Frederic D. Chanania, Esquire
Michael B. Blume, Esquire
Ann P. Hodgdon, Esquire
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Roff Hardy
Chairman and Chief Executive
Officer
Central Power and Light Company
Post Office Box 2121
Corpus Christi, Texas 78403

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

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

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

R.L. Hancock, Director
City of Austin Electric Utility
Post Office Box 1086
Austin, Texas 78767

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

Michael I. Miller, Esquire
James A. Carney, Esquire
Sarah Welling, Esquire
Isham, Lincoln & Beale
One First National Plaza
Suite 4200
Chicago, Illinois 60603

David M. Stahl, Esquire
Isham, Lincoln & Beale
1050 17th Street, N.W.
Suite 701
Washington, D.C. 20036

Martha E. Gibbs, Esquire
Isham, Lincoln & Beale
One First National Plaza
Chicago, Illinois 60603

Don R. Butler, Esquire
Sneed, Vine, Wilkerson, Selman
& Perry
Post Office Box 1409
Austin, Texas 78768

Mr. William C. Price
Central Power & Light Company
P.O. Box 2121
Corpus Christi, Texas 78403

Mr. G. Holman King
West Texas Utilities Company
P.O. Box 841
Abilene, Texas 79604

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

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

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

Jay Galt, Esquire
Looney, Nichols, Johnson & Hays
219 Couch Drive
Oklahoma City, Oklahoma 73102

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

John W. Davidson, Esquire
Sawtell, Goode, Davidson & Tioili
1100 San Antonio Savings Building
San Antonio, Texas 78205

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

David A. Dopsovic, Esquire
Frederick H. Parmenter, Esquire
Susan B. Cyphert, Esquire
Nancy A. Luque, Esquire
Energy Section Antitrust Division
U.S. Department of Justice
P.O. Box 14141
Washington, D.C. 20044

Morgan Hunter, Esquire
Bill D. St. Clair, Esquire
McGinnis, Lockridge & Kilgore
Fifth Floor
Texas State Bank Building
900 Congress Avenue
Austin, Texas 78701

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

Robert C. McDiarmid, Esquire
Robert A. Jablon, Esquire
Marc R. Poirier, Esquire
Spiegel & McDiarmid
2600 Virginia Avenue, N.W.
Washington, D.C. 20037

Kevin B. Pratt
Texas Attorney General's Office
P.O. Box 12548
Austin, Texas 78711

William H. Burchette, Esquire
Frederick H. Ritts, Esquire
Law Offices of Northcutt Ely
Watergate 600 Building
Washington, D.C. 20036

Tom W. Gregg, Esquire
P.O. Box Drawer 1032
San Angelo, Texas 76902

Leland F. Leatherman, Esquire
McMath, Leatherman & Woods, P.A.
711 West Third Street
Little Rock, Arkansas 72201

Paul W. Eaton, Jr., Esquire
Hinkle, Cox, Eaton, Coffield & Hensley
600 Henkle Building
P.O. Box 10
Roswell, New Mexico 88201

Robert M. Rader, Esquire
Conner, Moore & Corber
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

W.N. Woolsey, Esquire
Kleberg, Dyer, Redford & Weil
1030 Petroleum Tower
Corpus Christ, Texas 78474

Donald M. Clements, Esquire
Gulf States Utilities Company
P.O. Box 2951
Beaumont, Texas 77704

Dick Terrell Brown, Esquire
800 Milam Building
San Antonio, Texas 78205

C. Dennis Ahearn, Esquire
Debevoise & Liberman
1200 Seventeenth Street, N.W.
Washington, D.C. 20036