

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SUPPLEMENTAL RESPONSE OF THE DEPARTMENT OF JUSTICE
TO THE THIRD SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS FROM HOUSTON LIGHT-
ING & POWER COMPANY TO ANTITRUST DIVISION, U.S.
DEPT. OF JUSTICE

Pursuant to 10 C.F.R. § 2.740(e), the Department of Justice ("Department"), based upon its present belief and the information presently in its possession, hereby provides this supplemental response 1/ to Houston Lighting & Power's ("HL&P") "Third Set of Interrogatories and Requests for Production of Documents from Houston Lighting & Power Company to Antitrust Division, U.S. Dept. of Justice," dated December 18, 1979. The Department objects to the repetitive and duplicative nature of a substantial number of the interrogatory requests contained herein since many of these interrogatories were previously asked by HL&P in its First Set of Interrogatories. Furthermore, the Department objects since it has provided HL&P with the opportunity to

1/ Department of Justice Motion for Extension of Time To Answer Third Set of Interrogatories and Requests for Production of Documents from Houston Lighting & Power Company, dated December 26, 1979 at 2.

8002 250338

inspect many of the documents it now seeks in connection with the Department's Third Supplemental Response to Second Set on Interrogatories and Requests for Production of Documents from Houston Lighting Power Company to Antitrust Division U.S. Department of Justice, dated November 27, 1979. The Department has nevertheless attempted to provide full and complete responses to these interrogatory requests and will make the documents requested available for inspection on reasonable notice. The Department, however, expressly reserves its rights, in accordance with 10 C.F.R. § 2.740(e) to add to, alter amend or modify the information provided herein, prior to trial.

HL&P Interrogatory 1(a)

With respect to the Comanche Peak OL advice letter,
(a) identify those persons with whom the Division communicated in the course of its Comanche Peak operating license review; and

Department's Response to HL&P Interrogatory 1(a)

These individuals were identified in the "Response of the Department of Justice to Applicant's First Request for Production of Documents and Answer to Interrogatories" ("Department's First Interrogatory Response") to HL&P Interrogatory 5(a), filed on October 10, 1978.

HL&P Interrogatory 1(b)

Provide all documents which relate to such communications or otherwise to the advice rendered.

Department's Response to HL&P Interrogatory 1(b)

These documents were supplied to HL&P along with the Department's First Interrogatory Response to HL&P Interrogatory 5(a), filed in October 10, 1978.

HL&P Interrogatory 2(a)

With respect to the Comanche Peak TMPA advice letter,

(a) identify those persons with whom the Division communicated in the course of its antitrust review in connection with this letter;

Department's Response to HL&P Interrogatory 2(a)

Curtis Maynard
Mid-South Electric Cooperative Association

Derrel London
Hunt-Collin electric Cooperative, Inc.

Bobby E. Sullivan
Robertson Electric Cooperative, Inc.

Bob Corder
The City of Garland

George Humphries
The City of Garland

Pete Eckert
City Attorney, City of Garland

Ernest Tullos
The City of Denton

Gailord White
The City of Bryan

Gary Hurse
City of Greenville

Olan Steele
City of Greenville

Joel Rodgers
Texas Municipal Power Agency

Ed Greer
Texas Municipal Power Agency

J. Rodney Lee
Counsel for Texas Municipal Power Agency

HL&P Interrogatory 2(b)

Provide all documents which relate to such communications or otherwise to the advice rendered.

Department's Response to HL&P Interrogatory 2(b)

Some of the documents responsive to this interrogatory request were provided to HL&P counsel for inspection on January 14 and 15, 1980. The Department has also inspected the files of TMPA in connection with these proceedings. The documents selected by the Department from that search are available for HL&P to review at the offices of the Department on reasonable notice.

HL&P Interrogatory 3(a)

With respect to the Comanche Peak Brazos advice letter,

Identify the persons with whom the Division communicated in the course of its antitrust review in connection with this letter;

Department's Response to HL&P Interrogatory 3(a)

James E. Monahan
Brazos Electric Power Cooperative, Inc.

W.B. Townsend
Brazos Electric Power Cooperatives, Inc.

J.D. Copeland
Brazos Electric Power Cooperative, Inc.

Ross Segrest
Private Consultant

Coke Mills
Counsel for Brazos Electric Power Cooperative

HL&P Interrogatory 3(b)

Provide all documents which relate to such communications or otherwise to the advice rendered.

Department's Response to HL&P Interrogatory 3(b)

The documents requested in this portion of the interrogatory were made available to HL&P with the Department's "Third Supplemental Response of the Department of Justice to the Second Set of Interrogatories and Requests for Production of Documents from Houston Lighting & Power Company to Antitrust Division, U.S. Dept. of Justice," dated November 27, 1979. HL&P has already inspected these documents on January 14 and 15, 1980.

HL&P Interrogatory 4(a)

With respect to each alleged intrastate only restriction identified in the Comanche Peak TMPA advice letter.

Department's Response to HL&P Interrogatory 4(a)

The documents responsive to this request include the documents provided to the Department by Texas Utilities Company's ("TU") and HL&P, the documents provided to the Department during discovery, to which HL&P and TU have had access, and the documents provided to the Department by other parties. Any documents the Department has which have not been produced either by HL&P or TU, or in discovery, are available to HL&P to review at the offices of the Department on reasonable notice.

HL&P Interrogatory 4(b)

State whether the Division contends that Houston directly influenced, participated in the negotiations for, is a party to, or is otherwise responsible for, each such alleged intrastate only provision;

Department's Response to HL&P Interrogatory 4(b)

Yes.

HL&P Interrogatory 4(c)

Unless your answer to subpart (b) is an unqualified negative, identify and provide all evidence relating to your answer to subpart (b).

Department's Response to HL&P Interrogatory 4(c)

Refer to Department's Supplemental Response to 1(a) of Department's First Interrogatory Response, filed herein on February 1, 1980.

HL&P Interrogatory 5(a)

With respect to the 1973 agreement between the City of Garland and TP&L, as described in the Comanche Peak advice letter, (a) State whether the Division contends that Houston directly influenced, participated in the negotiations for, is a party to, or is otherwise responsible for, the 1973 agreement between the City of Garland and TP&L;

Department's Response to HL&P Interrogatory 5(a)

No.

HL&P Interrogatory 5(c)

For each year this agreement was in effect, state the amount of electricity consumed in the marketing area(s) which was (were) the subject of this agreement.

Department's Response to HL&P

The Department does not have this information at the present time.

HL&P Interrogatory 6(a)

With respect to each alleged intrastate only restriction identified in the Comanche Peak Brazos advice letter,

Provide a copy of the contract or agreement containing each such restriction or, if oral, state the terms of such contract or agreement;

Department's Response to HL&P Interrogatory 6(a)

Refer to Department's Response to HL&P Interrogatory 4(a) herein.

HL&P Interrogatory 6(b)

State whether the Division contends that Houston directly influenced, participated in the negotiations for, is a party to, or is otherwise responsible for, each such alleged intrastate only provision;

Department's Response to HL&P Interrogatory 6(b)

Yes.

HL&P Interrogatory 6(c)

Unless your answer to subpart (b) is an unqualified negative, identify and provide all evidence relating to your answer to subpart (b).

Department's Response to HL&P Interrogatory 6(c)

Refer to Department's Response to HL&P Interrogatory 4(c) herein.

HL&P Interrogatory 7(a)-(c)

Identify all documents which the Division has received (i) by any method other than formal discovery procedures pursuant to 19 C.F.R. §§ 2.740-2.742 (ii) from any person other than Houston, TU, or an attorney, expert witness, or employee of Houston or TU (iii) in the course of either the South Texas or Comanche Peak antitrust proceeding. Include as part of such identification,

(a) the name of the person who furnished each such document to the Division,

(b) the circumstances under which the Division received each such document, and

(c) all objective identifying identification (for example, production or document control numbers) assigned to each such document by the Division.

Department's Response to HL&P Interrogatory 7(a)-(c)

a. The persons who furnished the Department with documents, outside of formal discovery are:

Workshop on
Interconnection,
Wheeling, and
Pooling in the
Southwest, held
on November 29,
30, 1978 in
Oklahoma City

Central &
South West Cor-
poration

Tex-La Coopera-
tive

Brazos Electric
Power Cooperative,
Inc.

John Denison

Carl Stover,
G.H. Guernsey &
Co.

Spiegel &
McDiarmid

Jim Morriss
Texas Electric
Cooperatives,
Inc.

Western Farmers
Electric Cooperative

Cherokee County
Electric Coop.

Southwest Power
Administration

James Driver,
Gate City
Electric
Cooperative

Fred Ritts,
Counsel for
Tex-La of Texas

Tom Ryan,
formerly counsel
for the operating
subsidiary of CSW,
Southwestern Electric
Power Company

Counsel for
CSW

Counsel for
The City of
Austin

Counsel for
TMPA, Members of
TMPA are the
cities of Bryan,
Denton, Greenville,
and Garland

Johnnie
Ammons, Tri-
County Electric
Cooperative

Wharton County
Electric Cooperative

Community Public
Service Company

Douglas Wright

City Manager
of Hearne, Val
Robertson

Counsel for
Gulf States

San Bernado
Electric Cooperative

West Texas
Utilities

Federal Power
Commission/Federal
Energy Regulatory
Commission

Wood County
Electric Cooperative

Rusk County
Electric Cooperative

Houston County
Cooperative

Deep East Texas
Electric Cooperative

Upshur-Rural
Electric Cooperative

National Electric
Reliability Council

Louis Fish
Arkansas Electric
Cooperative Corp.

Mid-South Electric
Cooperative

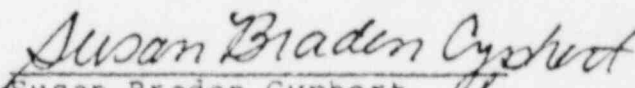
Middle South Services,
Inc.

b. The circumstances under which the Department obtained the above listed documents was either upon written or oral voluntary request or upon being offered such document by a person contacted by the Department for information relevant to these proceedings. HL&P has seen many of these documents

in the discovery during these proceedings or in discovery in West Texas Utilities Co. v. Texas Electric Service Co., et al.

c. The Department objects to the remainder of this interrogatory request on the grounds that it seeks to have the Department provide HL&P with an index of documents. This request is clearly beyond the scope of legitimate discovery. The Department has provided HL&P with either the actual documents it seeks or the opportunity to inspect any remaining documents.

Respectfully submitted,



Susan Braden Cyphert


Frederick H. Parmenter

Attorneys, Energy Section
Antitrust Division
U.S. Department of Justice
Telephone: (202 724-6667)

Washington, D.C.
February 1, 1980

Subscribed and sworn to before me, a notary public, this 1st day of February 1980.


My Commission expires, My Commission Expires Aug 14, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing SUPPLEMENTAL RESPONSE OF THE DEPARTMENT OF JUSTICE TO THE THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS FROM HOUSTON LIGHTING & POWER COMPANY TO ANTITRUST DIVISION, U.S. DEPT. OF JUSTICE has been made on the following parties listed hereto this 1st day of February 1980, by depositing copies thereof in the United States mail, first class, postage prepaid.

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