



it is requested that several categories of documents necessary for completion of engineering/economic studies be supplied in advance of other production, as soon as possible, but in no event later than October 6, 1972. These are indicated by asterisk in the schedule. The joint discoverers request that objections to production be made to the Board by September 21, 1972. Further, as to those requests upheld by ruling of the Board, the joint discoverers ask that production be completed by Applicant either by the dates specified above, or within 10 days from the date of the Board's ruling for documents requested by October 6 and 30 days from the date of the ruling for documents requested by November 6.

It is requested that any documents within the categories in the attached schedule withheld by Applicant by reason of any assertion of privilege be identified individually by listing the person(s) preparing, sending or receiving the same, the subject and date thereof and a brief statement on the basis for asserting privilege as to each document.

It is understood that all parties contemplate a round of discovery additional to these requests. These requests should not be construed as limiting in any way the scope or method of that further discovery; and, specifically, further discovery may include a request to search certain categories of files.

## SCHEDULE

### A. Definitions.

1. "Company" means Duke Power Company, its subsidiaries or affiliates, predecessor companies and any entities providing electric service at wholesale or retail, the properties or assets of which have been acquired by Duke Power Company.

2. "Documents" means all writings and records of every type in the possession, control or custody of the company, its directors, officers, employees or agents, including but not limited to memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, computer printouts, vouchers, accounting statements, engineering diagrams ("one-line" diagrams), mechanical and electrical recordings, telephone and telegraphic communication, speeches, and all other records, written, electrical, mechanical or otherwise.

"Documents" shall also mean copies of documents, even though the originals thereof are not in the possession, custody or control of the Company, and every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy.

3. "Electric utility" means a private corporation, rural electric cooperative, municipality, or any political subdivision, agency or instrumentality of the Federal or any State or municipal

government which owns or controls, or proposes to own or control, facilities for the generation, transmission or distribution of electric power and energy.

4. "Coordination" and "coordinating" shall include, but are not limited to, reserve sharing, economic dispatch or economy interchange, and pooling of load growth for joint or staggered additions of generating or transmission facilities.

"Coordination" and "coordinating" shall also mean joint ventures or the sharing of participation in the ownership, operation or output of generating facilities and the sharing of ownership, construction or use of transmission facilities.

B. Documents No Longer in Company's Possession, Custody or Control.

If any document described in this schedule was, on or after December 17, 1970 (date of enactment of P.L. 91-560), but is no longer, in the Company's possession, or subject to the Company's control, or in existence, state whether (a) it is missing or lost, (b) has been destroyed, (c) has been transferred, voluntarily or involuntarily, to others, or (d) has been otherwise disposed of. In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing same, and the date(s) thereof. Identify each such document by listing its author and addressee, type (e.g., letter, memorandum, telegram, chart, photograph, etc.), date, subject matter, present location(s) and custodian(s), if the document (or copies) are still in existence.

C. Documents Requested.

1. Documents showing the Company's corporate organization since January 1, 1960, including:

(a) names of departments, divisions and subunits and dates of their organization and reorganization;

(b) names of all directors, corporate officers, department or division managers and the dates of their service in each office held (Indicate date of election or appointment, if prior to January 1, 1960, for each individual serving in such capacity as of that date);

(c) function and responsibilities of each officer, manager and department or division listed in (a) and (b) above and the dates of any changes therein;

(d) name or identification, period of existence, function of, and persons comprising each committee reporting to company officers or the Board of Directors on a regular or ad hoc basis. (Charts, tabulations or lists setting forth the above information and verified by a company officer may be furnished in lieu of the foregoing documents).

2. All file indexes and documents describing the filing system utilized by the Company, its departments, divisions and subunits, pertaining to active, inactive or stored files and records.

3. Any narrative history (or histories) of the Company.

4. Documents including minutes of meetings of the Board of Directors and the executive committee of the Company, documents prepared in advance of meetings (e.g., agenda, memos in summary or critique of plans, costs, proposals or status of negotiations), and letters and memoranda to or from Company officers, relating to:

(a) interconnection plans, proposals or agreements with other electric utilities;

(b) termination of the CARVA pooling agreement on October 20, 1970;

(c) expansion of or additions to generating capacity or transmission system to be (1) owned and utilized solely by the Company or (2) shared on any basis with one or more electric utilities;

(d) competition at wholesale and retail;

(e) acquisitions by Company of electric utility properties and proposals for such acquisition or invitations to purchase electric utility properties;

(f) legislation and constitutional revision affecting the ability of electric utilities to own, finance, construct facilities and to sell electricity;

(g)\* wholesale and retail electric rates and proposals for rate changes;

(h) elections in any municipality operating an electric distribution system;

(i) Piedmont Electric Cities Association (PECA); EPIC, Inc.; Electricities of North Carolina;

(j) purchase by Company of land on the Green River comprising a part of the proposed site of FPC Project No. 2700;

(k) consideration of the request of intervenor to participate, through ownership of an entitlement share or otherwise, in the present units;

(l) litigation, actual and considered, before courts or agencies in opposition to construction of competing generation or transmission facilities, including but not limited to FPC Project No. 2700.

5. Minutes of meetings and reports of each committee established under pooling or coordination agreements to which Company is a party, those of each subcommittee or task force thereof, and documents relating thereto prepared or circulated within the Company.

6. Documents relating to the following:

(a) new electrical loads, area growth or development and locations available for sites for commercial or industrial development in areas in which such electrical loads might be served by electric utilities other than Company;

(b) electric service franchises for service by Company at retail, and any applications, renewals or terminations thereof;

(c) action, or contemplated action, by Company in response to failure by any municipality to renew any electric service franchise;

(d) franchises held by any other supplier of electric service within the Company's general service area;

(e) policies or practices, understandings or arrangements with other electric utilities as to allocation of wholesale or retail service areas;

(f) inquiries, invitations, negotiations, evaluations and proposals for the acquisition of electric power facilities of municipalities, electric cooperatives or other electric utilities including (1) offers to serve at wholesale;

(2) communications to or about elected officials, councils, and boards; and (3) sponsorship, support or opposition by the Company of activities of citizen or taxpayer committees, community advisory councils, or the like;

(g) acquisition of Company facilities by purchase or condemnation;

(h) cost analyses or estimates of other North Carolina and South Carolina electric utilities' (present or proposed) system operations; comparisons of costs, rates or services of the Company vis-a-vis other electric utilities serving or able to serve in contiguous areas of North Carolina and South Carolina at wholesale or retail;

(i) activities by the Company to obtain for itself subsidies, exemptions, waivers, loans or construction funds or other favorable action of any kind by any agency, political subdivision or instrumentality of Federal, State or local governments, benefiting the Company including but not limited to actions relating to:

- (i) Oconee nuclear generating project;
- (ii) McGuire nuclear project;
- (iii) Catawba nuclear project;
- (iv) transmission line construction or relocation;
- (v) construction, improvement or maintenance of water facilities such as docks, wharfs, river, stream or estuary dredging; recreation facilities;
- (vi) air or water pollution control;
- (vii) tax rulings, state or federal;
- (viii) Federal or State tax legislation or regulations thereunder;
- (ix) Federal or State regulatory legislation pertaining to electric utilities, including but not limited to amendments to the Federal Power Act, the Atomic Energy Act and North Carolina and South Carolina Public Utilities and Municipal Corporations Laws -- and including

but not limited to bills restricting the availability for power development of any waterway in or adjacent to Company's service area, authorizing, appropriating funds for, or otherwise affecting Federally-owned electric generating or transmission facilities in or adjacent to Company's service area, affecting the jurisdiction or organization of any governmental agency charged with licensing, supervising, or regulating Company's facilities, rates or services, or affecting the ability of municipal or cooperative systems to acquire or own facilities or render electric service;

(x) efforts in opposition to the authorization or construction of competing generation or transmission;

(j) studies of joint ownership or other participation considered, proposed or agreed upon between the Company and other electric utilities with respect to nuclear, fossil-fuel or hydroelectric generating facilities and transmission facilities;

(k) Company's exchange of information on any facet of its system operations in a cooperative endeavor with any wholesale customer;

(l) requests or indications of interests by third parties in power pooling arrangements with Company, the CARVA pool or participants in the VACAR arrangements;

(m) present and future planned interconnections with other utilities, and their proposed capacity and status (tentative or assured);

(n) studies or analyses of full generation and/or transmission integration or coordination between Company and any other electric utility;

(o) the Company's line extension policy, including any modifications or interpretations thereof;

(p) FPC Project No. 2700 (Green River) and the site thereof;

(q) activities of Company to affect the cost of fuel for electric power generation by other persons in North and South Carolina;

(r) the outage time in 1971 per customer per year in each of Company's districts and the number of outages per customer per year (In lieu of such documents, a verified summary of such information may be supplied).

7. Correspondence between the Company and Edison Electric Institute or any committee thereof; the National Association of Electric Companies; Bozell & Jacobs; Central Surveys of Shenandoah, Iowa; Hofer and Sons of Portland, Oregon; Cargill, Wilson & Acree, Inc. of Charlotte, North Carolina (or R. L. Ward); any other

consultant or independent contractor; and any electric utilities; and documents referring to these entities and persons relating to:

(a) system construction, financing, ownership, operation of electric generation, transmission or distribution facilities by any municipal and electric cooperative utility, including acquisitions of any such utility by the Company, or competition between any such utility and the Company;

(b) wholesale power supply to municipal and cooperative utilities;

(c) coordination, interconnection or pooling arrangements with municipal and cooperative systems;

(d) wholesale or retail territorial or customer allocations.

8. Documents showing the names and addresses of all attorneys retained by the Company and describing the basis for such retainers. (In lieu of the foregoing, a verified list containing the information would be acceptable.)

9. Documents pertaining to the following subjects located in the files of those individuals who by job or title are now or have been since January 1, 1960, responsible for, prepare analysis of, or forecast the effects of those subjects:

(a) long-term competitive aspects of the Company's relationship with other electric utilities serving or able to serve at wholesale or retail in areas overlapping or in close proximity to the Company's service area;

(b) interconnection arrangements with other electric utilities;

(c) coordinated system operation, generation and transmission facilities expansion, and pooling arrangements involving other electric utilities.

10. Documents referring or relating to communications between the Company and Carolina Power & Light Company (CP&L), Virginia Electric and Power Company (VEPCO) and South Carolina Electric and Gas Company (SCE&G) and among Company personnel in connection with the CARVA Pool agreement;

(a) its formulation and the evaluation of any advantages or disadvantages thereof;

(b) participation by third parties and limitations thereof;

(c) its dissolution, including but not limited to estimates of the cost impact of dissolution on the Company.

11. Documents referring or relating to communications between the Company, CP&L, VEPCO and SCE&G and among Company personnel in connection with the "VACAR" agreements;

(a) their formulation and the evaluation of any advantages or disadvantages thereof;

(b) participation by third parties and limitations thereof.

12. Documents relating to the Southeastern Electric Reliability Council (SERC), its formation and activities and Company's participation therein, including, but not limited to, any documents pertaining to the decisions setting qualifications for membership and full participation.

13. Documents comprising the Company's individual files pertaining to each wholesale electric customer of the Company (excluding billing data) including but not limited to

- (a) files identified by specific customer name;
- (b) files relating to any elected or appointed official of any municipal wholesale customer;
- (c) retail or wholesale competition relating to such customers;
- (d) interconnections or coordination with and sale or purchase of electric power or facilities to or from each customer;
- (e) analysis or study of each customer's system operations, rates, finances, expansion proposals and programs; including but not limited to any maps and diagrams of customer's transmission system;
- (f) communications with officials or members of boards of directors of wholesale customers which are or were cooperatives or private corporations, and with managers and persons in elective or appointive office,

who are or were responsible for the operations of each municipal wholesale customer;

(g) communications to or from, or internal documents concerning any taxpayers' committee or any similar group or newspaper, and any action taken or proposed to be taken by such committee or group or newspaper with respect to matters affecting a wholesale customer.

14. A set of all rate schedules (currently, effective or otherwise) filed by Company with the FPC. (If schedules are identical, one such schedule and a list of the parties to which it applies (applied) may be furnished in lieu of all the individual schedules. If schedules are almost identical, one of them plus a list indicating the differences in the others will suffice.)

15. Documents reflecting changes in any rate schedule, tariff, contract, agreement, or terms and conditions of service, or the effect on Company revenues (in dollar or percentage terms) of any such change.

16. Documents (including records of expenditures) regarding any advertisements, public-relations campaigns, or other means employed by Company to elicit support for its views in or in connection with any municipal or state election in North Carolina or South Carolina.

17. Documents comprising the Company's individual files pertaining to Electricities of North Carolina (or its predecessor,

North Carolina Municipally Owned Electric Systems Association); EPIC, Inc.; and Piedmont Electric Cities Association, including but not limited to copies of releases by Company's public relations office regarding those entities, and letters concerning them addressed to any municipality or electric cooperative.

18.\* One small scale and one large scale copy of the most recent geographic one-line diagram or map of the Company's electric generation and bulk transmission system and points of interconnection with other electric utilities indicating transmission or sub-transmission facilities of 23 kv. and above, delivery points and supply voltages for municipalities and cooperatives; further, large scale maps of SERC, the CARVA pool, and the area covered by the VACAR agreements.

19.\* The most recent electrical one-line diagrams showing the generation and transmission systems corresponding to the diagrams requested in paragraph 18.

20.\* A copy of the maps or diagrams for each planning period or year through 1985 corresponding to those requested in paragraphs 18 and 19.

21.\* Yearly peak power flow diagrams through 1985 for Company's system, and for such larger bulk power supply system areas as may be studied by any power planning or operating groups in which Company participates by furnishing personnel, data or otherwise.

22. The operating manuals or equivalent documents for the CARVA pool and for the present VACAR arrangements.

23. Each press release or article containing data supplied by the Company, or any internal document describing the Company's bulk power supply control center, or the major features thereof, such as equipment for load-frequency control, economic dispatch, security monitoring, systems diagram board, remote supervisory equipment, information brought in to the control center from remote points, and the like.

24.\* Documents relating to pooling agreements or interchange arrangements in which the Company is a participant, directly or indirectly, which show:

(a) the method(s) used to interpret and determine any installed, spinning or operating reserve requirement(s) under the terms of such agreements;

(b) the method(s) and bases whereby payments are made, receipts disbursed and the manner in which funds flow among the participants in determining any settlement of balances for such reserve obligations.

25.\* Reports and analyses (excluding load flow diagrams not a part of any such report or analysis except as requested in (d) below) pertaining to:

(a) joint transmission studies with VEPCO, CP&L and SCE&G, or any of them;

(b) joint transmission studies with Georgia Power Co. or the Southern System;

(c) joint transmission studies with Appalachian Power Co. or the American Electric Power Co.;

(d) Company transmission; in addition, all transmission load-flow studies (plotted on a system one-line diagram of 100 kv and above) for Company's complete system relating to planned bulk power additions for the period 1970-1985;

(e) comparative or alternative programs of generation and transmission expansion for Company, CARVA pool, or any other coordinating group, and letters or memoranda pertaining thereto.

26.\* Documents containing or pertaining to capital and operation and maintenance cost estimating factors utilized by Company for:

(a) transmission facilities (by varying voltages and range of capacities for each voltage) per mile or per hundred miles;

(b) ancillary substation facilities (by major cost components) and right of way;

(c) generation (by types) and ancillary facilities (provide breakdown by major components for both generation and ancillary facilities where available);

(d) escalation factors relating to (a), (b) and (c) of this paragraph, and for fossil fuel, nuclear fuel and other expenses, including but not limited to labor and administrative and general.

27. Documents indicating:

(a) the most recent nuclear unit cost estimates, in accordance with the FPC Uniform System of Accounts, showing separately the rate of return used;

(b) the total demand and energy cost of the nuclear units as of December 31, 1978, showing as a distinct factor the escalation percentages adopted for cost projection purposes.

28. Documents concerning any legal definition of or restriction on the Company's authority to:

- (a) construct system facilities within a municipality;
- (b) render wholesale service to a municipality which is already purchasing power from another power supplier;
- (c) construct bulk power supply transmission lines in areas where other electric systems have installed bulk power supply transmission lines;
- (d) render service within a municipality which has its own electric system;
- (e) share the ownership of electric facilities with any other utility or entity;
- (f) interconnect with any other utility or entity;
- (g) coordinate or integrate in any other way with any other utility or entity;
- (h) wheel power from other electric systems to the Company's wholesale customers.

29. Documents concerning the authority or lack thereof of the North Carolina Utilities Commission or South Carolina Public Service Commission to regulate the construction of generating facilities, transmission lines or distribution lines by any other supplier of electric service within Company's service area.

30. Documents in which the Company has asserted that any of its activities are, or are not, subject to the Federal Power Act or North Carolina or South Carolina Public Utilities Law.

31. Duplicate tax returns filed by Company.

32. Copy of the Company's Accounting Manual.

33. Monthly accounting summaries, reconciliations, or billing statements in use for interconnection settlements between Company and CP&L, SCE&G and VEPCO, between Company and Georgia Power Co., and between Company and Appalachian Power Co., which indicate the manner in which power, energy, or transmission service is exchanged or otherwise accounted for, and how compensation is determined as between the parties. Copies for 1970 and 1971 are requested, along with comparable summaries, reconciliations or billing statements used under the CARVA pool in 1969 and 1970. Furnish all statistical summaries and documents necessary to apprise joint discoverers of the accounting methods by which entries on log sheets containing power and energy data are ultimately converted into monetary settlements. Furnish also each of all other bulk power supply energy, or power, or transmission service accounting

forms for the peak day of the peak month of 1972, including weekly or monthly summaries including amounts for such day -- and all such forms for the peak day of the peak month of 1970 under the CARVA pool.

34. Any contract for the sale or exchange of electric power between Company and any other electric utility, and a copy of any power pooling arrangement under consideration but not yet entered into.

35. Documents regarding:

(a) cost studies of nuclear vs. fossil-fueled generation;

(b) planning studies made in the period 1960 to date, alone or jointly with other utilities;

(c) transmission load flow studies made in the period 1960 to date which have been used in planning;

(d) discussions with other utilities regarding the allocation of responsibility for, the location of, and the timing of transmission construction.

36. Documents, including internal memoranda, regarding the ability of municipal and cooperative systems to purchase bulk power at Company's wholesale rates and resell to retail customers at rates equal or comparable to Company's retail rates.

37. Rate design studies, documents relating to the decision to file, all correspondence, memoranda, etc., regarding the filing with respect to the wholesale fuel adjustment clause (FPC Docket No. E-7720).

38. As to all nuclear facilities, experimental or operational, documents relating to information, advice, participation and assistance rendered by any agency of the United States Government (including the AEC) to Company, or to any other entity through which any of such was provided to Company or for the benefit of Company. Please respond as to the time periods prior and subsequent to 1960. (Referral to documents in the public files of the AEC will be acceptable.)

39. Documents describing the economic condition of the area served by Company, projections of future economic conditions, or the prospect for attracting commercial and industrial customers, or other potential stimuli of economic growth, to the area.

40. Documents including but not limited to advertising material prepared for the purpose of encouraging commercial and industrial customers to locate in the Company's service area or for the purpose of encouraging increased use of electricity in that service area, and documents concerning Company's approach to, discussion or other contact with any commercial or industrial customer (actual or potential) for either of these two purposes.

41.\* Documents showing the following with respect to each existing generating unit on Company's system and estimates thereof with respect to each unit under construction:

(a) incremental costs at various levels of unit output including incremental fuel cost and variable operation and maintenance cost;

(b) no-load running cost of each unit including fixed fuel cost;

(c) start-up costs in dollars following a (1) four-hour shutdown, (2) 12-hour shutdown, (3) 24-hour shutdown;

(d) average annual fixed costs for each unit including:

(1) fixed operation and maintenance;

(2) fixed charges, including a breakdown of fixed charge rate by all components;

(3) other fixed costs, including administrative and general expense allocable to each unit;

(e) original investment cost and date of commercial operation;

(f) incremental heat rate and total heat rate throughout normal net loading range;

(g) average annual fuel cost in cents/mmBtu for each year 1970-1985;

(h) minimum and maximum net output in mw;

(i) normal annual amount of time for scheduled maintenance and refueling;

(j) for future nuclear units, documents describing how amortization of the initial fuel core is handled in the above costs and providing a breakdown of total capital cost and unit cost amounts for each unit;

42.\* Documents showing all actual and proposed power purchases and sales for the period 1970-1985, indicating mw and mwh quantities and fixed and variable charges for each such transaction.

43.\* All cost of service studies relating to wheeling or

transmission service on Company's system for the period 1962-1972  
and for the future in the period 1972-1985.

  

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David A. Leckie

Wallace A. Brand  
William T. Clabault  
Attorneys, Antitrust Division  
Department of Justice  
Washington, D. C. 20530

For the Joint Discoverers

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