

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
THE TOLEDO EDISON COMPANY and)
THE CLEVELAND ELECTRIC ILLUMINATING)
COMPANY)
)
Davis-Besse Nuclear Power Station)

10-17-71
Docket No. 50-346A

ANTI-TRUST

CITY OF CLEVELAND, OHIO .
REPLY TO ANSWERS OF THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY AND THE TOLEDO EDISON COMPANY

The City of Cleveland, Ohio (Cleveland) for its reply to the answers of The Cleveland Electric Illuminating Company (CEI) and The Toledo Edison Company (TE) states:

1. The CEI answer at the bottom of page 2 and the top of page 3 asserts the Cleveland system "is not so constructed to permit parallel operation with the system of CEI." This statement is without any foundation in fact and is untrue and denied.
2. The CEI answer page 4 denies CEI has refused to negotiate on a permanent interconnection with Cleveland. This is without foundation in fact and is denied by Cleveland.
3. Also on page 4 of the CEI answer it is stated the total amount due and owing Cleveland to CEI September 1, 1971 was \$1,515,000.00. The actual amount due was \$1,092,463.04 through August 31. The payment of this amount has now been approved by

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the city council and a check in that amount will be delivered to CEI by the end of the current week if at all possible. CEI further states that it is owed \$103,959.10 for services provided in September of 1971. Cleveland states no bill for that amount has ever been received by Cleveland and that when and if such a bill is received its calculation will be checked and the proper amount due will be paid.

4. At the bottom of page 5 the CEI answer states that Cleveland is precluded by Article VIII, Section 6, of the Constitution of the State of Ohio and the law of Ohio from participating in the ownership of Davis-Besse. Cleveland denies that it is precluded by any provision of the Constitution or law of Ohio from such ownership.

5. The answer of CEI further states that the financial condition of Cleveland leaves it without the ability to raise the funds required for participation in Davis-Besse. This is without foundation in fact and is therefore denied by Cleveland.

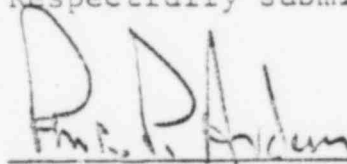
6. In the answer of CEI, first full paragraph page 7, CEI purports to establish certain problems in the operation of Davis-Besse. Cleveland would be happy to participate in Davis-Besse leaving the operation of the plant to CEI and TE so long as the operation was normal commercial operation not calculated purely

and simply to work to the disadvantage of Cleveland.

7. With respect to the answer of TE Cleveland states that activities of TE may create or maintain a situation inconsistent with the anti-trust laws dependent on the extent to which TE colludes with CEI to deprive Cleveland of a fair opportunity to participate in Davis-Besse and to use the combined transmission system of CEI and TE.

WHEREFORE, Cleveland respectfully requests that an evidentiary hearing be held as to the anti-competitive aspects herein.

Respectfully submitted,



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Attorney for City of Cleveland, Ohio

October 19, 1971

CERTIFICATE OF SERVICE

I hereby certify that copies of City of Cleveland, Ohio, Reply to Answers of The Cleveland Electric Illuminating Company and The Toledo Edison Company were served on the following by deposit in the United States Mail, first class or airmail, this 19th day of October, 1971.

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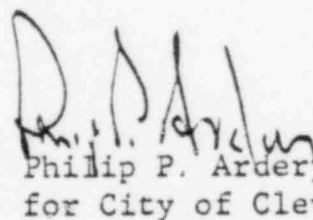
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October 19, 1971