

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)	
)	
The Toledo Edison Company and)	Docket Nos. 50-346A
The Cleveland Electric Illuminating)	50-500A
Company)	50-501A
(Davis-Besse Nuclear Power Station)	
Units 1, 2 and 3))	
)	
The Cleveland Electric Illuminating)	Docket Nos. 50-440A
Company, et al.)	50-441A
(Perry Nuclear Power Plant)	
Units 1 and 2))	

SUBPOENA DUCES TECUM

The Nuclear Regulatory Commission to:

Daniel J. O'Loughlin, Esq.
Squire, Sanders & Dempsey
1800 Union Commerce Building
Cleveland, Ohio 44115

YOU ARE HEREBY COMMANDED, pursuant to the Atomic Energy Act of 1954, as amended, Section 2.720 of the Rules of the Nuclear Regulatory Commission, 10 CFR Part 2, to produce the documents described on the Schedule attached hereto and made part hereof at the time of your appearance to give testimony at an oral discovery-deposition in the above-captioned matter to be taken before a Court Reporter on June 30, 1976, commencing at 9:30 a.m. at the offices of Hahn, Loeser, Freedheim, Dean & Wellman, 800 National City-East Sixth Building, Cleveland, Ohio, Special Counsel for the City of Cleveland.

In accordance with Section 2.720(f) of the Rules of Practice of the Nuclear Regulatory Commission, 10 CFR Part 2, you may, by motion

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promptly made, and in any event at or before the time specified herein for compliance and upon notice to James B. Davis, Special Counsel for City of Cleveland, Hahn, Loeser, Freedheim, Dean & Wellman, 800 National City-East Sixth Building, Cleveland, Ohio 44114 request that this subpoena be quashed or modified if it is unreasonable or requires evidence not relevant to any matter at issue in these proceedings. The Nuclear Regulatory Commission may condition its denial of such a motion to quash or modify this subpoena on just and reasonable terms.

Further, pursuant to Section 2.720(c), you are entitled upon service of this subpoena to a tender of fees and mileage payable to witnesses in District Courts of the United States.

Atomic Safety and Licensing Board
Nuclear Regulatory Commission

Dr. Robert Lazo
Chairman

Issued:

_____, 1976

SCHEDULE OF DOCUMENTS TO BE PRODUCED

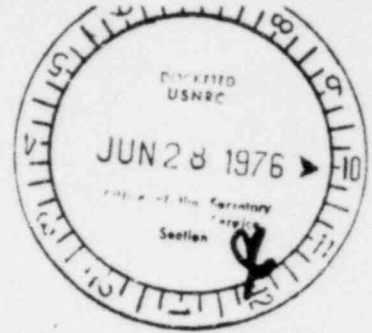
SUBPOENA DUCES TECUM

Bring with you all of the following items in the possession or control of Squire, Sanders & Dempsey (SS&D) which originated in the period January 1, 1965 to the date of receipt of this subpoena duces tecum:

1. All files pertaining to the issuance of notes and bonds or other debt instruments for the City of Cleveland including the Division of Light and Power with their complete contents including working papers, memoranda to file; intra-office correspondence, notes of telephone conversations, memoranda of conversations with City officials and other writings.
2. All files referring to:
 - a) City of Cleveland Municipal Electric Light Plant (MELP)
 - b) City of Cleveland, Division of Power and Light;
 - c) City of Cleveland, Department of Public Utilities;
 - d) Utilities Committee of Cleveland City Council;
 - e) MUNI Light;
 - f) MELP Rates;
 - g) City of Cleveland Ordinance No. 2104-72;
 - h) Any City of Cleveland Director of Finance; Director of Public Utilities; Director of Law; Assistant Director of Law; Commissioner of Light and Power;
 - i) Any Engineer; Consultant; Auditor; Accountant; connected with MELP;
 - j) Any equipment or facilities owned or operated by MELP;with their complete contents including working papers, memoranda to file, intra-office correspondence, notes of telephone conversations, memoranda

of conversations with City officials, and other writings.

3. All financial documents originating from the City of Cleveland including the Division of Light and Power to which SS&D has referred in performing legal services for the City of Cleveland.
4. All financial documents concerning the City of Cleveland originating from sources other than the City of Cleveland to which SS&D has referred in performing legal services for the City of Cleveland.
5. A photocopy of the letter of August 12, 1963 from SS&D to the Cleveland Electric Illuminating Company (CEI) Attn.: Mr. Howley, mentioned on page 30 of the Little Hoover Report which was issued January 25, 1967.
6. Copies of all memoranda or opinions prepared by SS&D for CEI relating in any way to MELP prior to the City's intervention in these N.R.C. proceedings.
7. Copies of all documents, opinions, notes, memoranda, recordings or minutes of meetings or telephone conversations between members or employees of Squire, Sanders & Dempsey relating in any way to Cleveland's Division of Light and Power or MELP, excepting only those things produced for CEI in connection with these N.R.C. proceedings or City of Cleveland v. The Cleveland Electric Illuminating Company, et al. Case No. 75-560, in the United States District Court, Northern District, Ohio, Eastern Division.
8. That file together with all its contents captioned "Re MELP Sales" referred to in the Memorandum of John Lansdale, Jr. of October 26, 1966.



CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Subpoena Duces Tecum to Mr. Daniel J. O'Loughlin has been made on the following parties listed on the attachment hereto this 23rd day of June, 1976, by depositing copies thereof in the United States mail, first class or air mail, postage prepaid, or by hand delivery.

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Attachment

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