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September 1, 1978

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Re: The Toledo Edison Company and The Cleveland
Electric Illuminating Company (Davis-Besse
Nuclear Power Station, Unit 1) Docket No. 50-346A;
The Cleveland Electric Illuminating Company, et al.
(Perry Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-440A and 50-441A;
The Toledo Edison Company, et al. (Davis-Besse
Power Station, Units 2 and 3) Docket Nos. 50-500A
and 50-501A

Gentlemen:

By letter dated August 30, 1978, the Applicants in the above-referenced cases, through their counsel, have requested leave to file a decision of the Securities and Exchange Commission issued July 21, 1978 in In the Matter of American Electric Power Company, Inc. on the ground "that this decision is not yet officially reported, and may have a bearing on the Appeal Board's consideration of certain of the antitrust issues now before it in the above proceeding." No copy of the SEC's decision, we are advised, was tendered to the Appeal

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Board with the letter and no copy of the decision was served on the Intervenor, City of Cleveland, Ohio.

The City of Cleveland respectfully submits that it is incumbent upon Applicants to show to the Appeal's Board how the SEC's decision is (not simply "may be") relevant to "certain of the antitrust issues now before" the Appeals Board and to identify those issues.

Until that is done by Applicants' and other parties are served with a copy of the SEC's decision and afforded an opportunity to respond to Applicants' allegations, Applicants' request is opposed and should be denied.

Respectfully submitted,

David C. Hjelmfelt
David C. Hjelmfelt
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cc: All Parties of Record