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February 25, 1976



William Bradford Reynolds, Esquire
Shaw, Pittman, Potts and Trowbridge
1800 "M" Street, N.W.
Washington, D.C. 20036

Re: In the Matter of the
Toledo Edison Company
and the Cleveland Electric
Illuminating Company, etc.
NRC Docket Nos. 50-346A,
50-500A, 50-501A, 50-440A,
50-441A.

Dear Mr. Reynolds:

Some time ago, I contacted you regarding the subpoena issued by the Commission at the request of your clients to American Municipal Power-Ohio, Inc. in the above-captioned proceedings.

On or about the return date of the subpoena, I advised that our client, Mr. John C. Engle, President, AMP-Ohio, had made a diligent search of the files of AMP-Ohio to determine whether such files contained material which might fall within the scope of the subpoena. Mr. Engle has forwarded the within-enclosed documents in response to the subpoena.

At the time I contacted you, you were in the process of moving into your firm's new offices at 1800 "M" Street, N.W., and you advised that it was not then convenient to pick up the documents produced for inspection.

For your convenience and to ensure that our client has complied with the terms and conditions of the subpoena, I am enclosing copies of all documents produced by Mr. Engle on behalf of AMP-Ohio.

Upon reviewing the documents enclosed, you may conclude that the documents produced are technically beyond the scope of the subpoena. In wishing to cooperate with the Commission's current investigation, Mr. Engle has provided everything which might conceivably

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William Bradford Reynolds, Esquire

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be covered by the request.

With respect to your request for documentation of the "commitment" made by the Power Authority of the State of New York to provide some 30,000 kilowatts of PASNY power to AMP-Ohio, perhaps I can clarify the matter for you and the other parties.

In this regard, competing applications were filed by AMP-Ohio, Allegheny Electric Cooperative in Pennsylvania and by the Public Service Board of the State of Vermont. When AMP-Ohio discovered that Cleveland Electric Illuminating Company was unwilling to voluntarily wheel PASNY power to the City of Cleveland, Ohio for the account of AMP-Ohio, AMP-Ohio and Allegheny entered into an agreement which, in effect, merged the AMP-Ohio and Allegheny applications to PASNY.

The Allegheny-AMP-Ohio Agreement contemplates that, once AMP-Ohio secures the necessary wheeling privileges, Allegheny will release, subject to approval of PASNY, some 22.7 megawatts from the thirty megawatt allocation to AMP-Ohio. In the meantime, Allegheny would have the use of the 30 megawatt allocation for its exclusive use.

Since PASNY was advised of these developments during the pendency of the applications, PASNY never ruled or passed upon AMP-Ohio's initial application.

Eventually, PASNY approved the Allegheny application while, at the same time, recognizing the existence of the Allegheny-AMP-Ohio agreement.

The Vermont Public Service Board filed a Complaint with the Federal Power Commission requesting that the Federal Power Commission allocate the 30 megawatts and other PASNY power to Vermont. The case is entitled, State of Vermont Public Service Board v. Authority of the State of New York, FPC Docket No. E-8746.

May 15, 1975, the Presiding Administrative Law Judge issued an Initial Decision which affirms PASNY's allocation to Allegheny. Petitions for exceptions have been filed by the parties in Docket No. E-8746 and the case is now pending before the Commission.

You may find the Initial Decision of the Administrative Law Judge in Docket No. E-8746 instructive, and I am enclosing a copy for your files and information. I particularly invite your attention to the discussion appearing at pp. 19-21 regarding the interests of AMP-Ohio.

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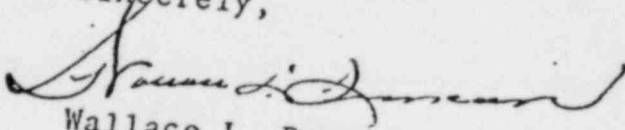
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If we can be of further assistance in complying with your subpoena, please let me know.

Sincerely,



Wallace L. Duncan

WLD:dcg

Enclosures

cc: John C. Engle, Esquire
William C. Wise, Esquire
All Parties

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