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WASHINGTON, D.C. 20037

September 18, 1973

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GEORGE SPIEGEL
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SANDRA J. STREIBEL
ROBERT A. JARLON
JAMES H. HURWOOD
JAMES CARL POLLOCK

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

Keith Watson, Esq.
Wald, Harkrader & Ross
1320 19th Street, N.W.
Washington, D. C. 20036

Re: Discussions and Understandings
Between Counsel

Dear Keith:

This will be an attempt to reduce to writing various matters discussed by yourself and Mr. Ross with the undersigned during the depositions held at Traverse City, September 10 to September 13, 1973, and by phone on subsequent dates.

1. On Monday, I informed you and Mr. Ross that I had completed the Motion to Quash the Daverman subpoena except for the charges which I had not received from Mr. Daverman. I also informed you that I had written letters to your firm and Mr. Daverman requesting the return of all documents furnished by Mr. Daverman to your Grand Rapids counsel, and directing that Mr. Daverman not turn over any additional documents or data pending the Board's ruling on my Motion.

2. On Wednesday, September 12, I furnished you with the charges and expenses incurred by Daverman up to September 7, 1973 and gave additional estimates of time and charges to complete the request as agreed upon by Dr. Pace of NERA and Mr. R. J. Daverman. You had requested that I withhold filing the Motion until Consumers Power Company could determine whether or not they would pay Mr. Daverman.

3. Also, on Wednesday, September 12, you met with me to discuss certain discrepancies in the responses by the non-party municipals and the intervenors. You indicated that you had informed Chairman Garfinkel by telephone on that day

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September 18, 1973

that consideration was being given by Consumers Power Company to the fees of Mr. Daverman and that you had requested me to withhold filing the Motion pending the Company's decision.


4. On Friday, September 14, your office informed Mr. Jablon that the Company would not voluntarily pay Mr. Daverman. Mr. Jablon requested reconsideration. You agreed to reconsider and inform our office of your decision by Monday, September 17.

5. On Monday, September 17, you informed me that although reconsideration had been given, the answer remained that Consumers Power Company would not pay Mr. Daverman, except for copying, unless ordered to do so by the Board. I, in turn, informed you that the Motion to Quash would be filed by September 18.

6. Our discussions concerning discovery remaining with the parties and non-parties involved a typed list for the parties and notes taken by me with respect to the non-parties. I informed you on Monday that you would get copies of my letters to the non-parties containing my instructions concerning the information requested. I will make every effort to obtain the remaining materials as quickly as possible.

Keith, I believe the above fairly represents the matters covered. If you have any amendments or modifications, please let me know.

Sincerely,


James Carl Pollock

cc: Board Members
Wallace Brand, Esq.
Joseph Rutberg, Esq.
Mr. R. J. Daverman

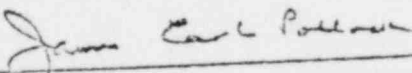
UNITED STATES OF AMERICA
BEFORE THE
ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consumers Power Company) Docket Nos. 50-329A
) 50-330A
Midland Plant (Units 1 and 2))
)

AFFIDAVIT

DISTRICT OF COLUMBIA SS:

James Carl Pollock , being first duly sworn, deposes and says that he is the attorney for Daverman Associates, Inc., and that as such he has signed the foregoing Motion to Quash or Condition Subpoena Duces Tecum of Daverman Associates, Inc. for and on behalf of said party; that he is authorized so to do; that he has read said Motion and is familiar with the contents thereof; and that the matters and things therein set forth are true and correct to the best of his knowledge, information or belief.



James Carl Pollock

Subscribed and sworn to before me
this 18th day of September, 1973.

Notary Public

My Commission expires September 30, 1974.

UNITED STATES OF AMERICA
BEFORE THE
ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consumers Power Company) Docket Nos. 50-329A
) 50-330A
Midland Plant (Units 1 and 2))
)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document in the above-captioned matter was served upon the following by deposit in the United States mail, first class or air mail, this 18 th day of September, 1973.

Alan S. Rosenthal, Esq.
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Certificate of Service Cont'd

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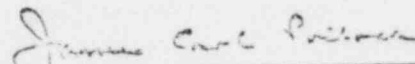
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