

6/13/73

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))

INTERVENORS REPLY TO CONSUMERS POWER COMPANY'S
REPORT CONCERNING THE STATUS OF INTERVENOR'S
RESPONSES TO CONSUMERS POWER'S DISCOVERY

To: Jerome Garfinkel, Chairman, Atomic Safety and Licensing Board

Pursuant to Section 2.730(c) of the Commission's Rules of Practice, 10 CFR Part 2, Intervenor hereby respond to the document served on counsel for intervenors on July 13, 1973. While not captioned as such, this document must be treated as a motion. Since many of the allegations or claims contained in the subject document are erroneous, intervenors respectfully request the Chairman, or the Commission, to deny it promptly. In support of this request intervenors state as follows:

I.

Counsel for Consumers Power requested that the Supplemental data and information be verified by the respondents. Subsequent to this request we requested verifications from each of the

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fourteen systems. On June 11, 1973,^{1/} 13 verifications (only that from Top O'Michigan is missing) were mailed to counsel for Consumers Power. The manager for Top O'Michigan has been on vacation and at present is unavailable. As soon as he returns to his office he will verify his supplemental statements. This demonstrates that good faith efforts continue to be made to satisfy Consumers Power, despite ill disguised innuendos to the contrary.

II.

To place the claims of deficiencies into their proper context, the May 25, 1973 list contained a total of 35 alleged unsatisfactory responses from those made by five municipals, nine cooperatives, the Michigan Municipal Electric Association (MMEA) and the two municipals and two cooperatives which comprise the Michigan Municipal Cooperative Power Pool (MMCPP). To further demonstrate the actual cooperation in furnishing responses to document requests and interrogatories, the Chairman's attention is directed to the following:

1. Each of the five municipal intervenors were requested to respond to a total of 276^{2/} document requests and interrogatories, which also requested that many of the responses be correlated to other

1/ See Attachment A.

2/ The 276 requests comprise the totals of the subparts to the 94 numbered items.

requests or interrogatories. Two of those Municipal Intervenors also responded to 22 additional document requests and interrogatories directed to MMCPP members. Out of a total of 1424 items responded to by these municipals, only 25 deficiencies were listed by Consumers Power in the May 29, 1973, letter.

2. Each of the nine Cooperative respondents were requested to respond to a total of 209^{3/} document requests and interrogatories, which also requested that many of the responses be correlated to other requests or interrogatories. Two of these Cooperative Intervenors also responded to 22 additional document requests and interrogatories directed to MMCPP members. Out of a total of 1,925 items, only 10 deficiencies were listed by Consumers Power in the May 29, 1973, letter.

3. The MMEA was requested to respond to 29 document requests and interrogatories.

Attached hereto ^{4/} are the 35 deficiencies contained in the May 29, 1963, letter from counsel for Consumers Power. Attached hereto, ^{5/} and made a part hereof, is the letter dated June 8, 1973, to counsel for Consumers Power from Intervenors responding to these 35 deficiencies. The characterization of counsel for Consumers Power that, "However, compliance remains far from complete" (p. 2), we trust, has now been placed in its proper context and perspective.

III.

By letter dated June 7, 1973, received by counsel for intervenors on June 8, 1973, a subsequent list of deficiencies

^{3/} The 209 requests comprise the totals of the subparts to the 67 numbered items.

^{4/} See Attachment B.

^{5/} See Attachment C.

with respect to O&A Electric Cooperative and Zeeland Municipal
was attached to a letter from counsel from Consumers Power.^{6/}
The response to this latest list was hand-delivered to counsel
for Consumers Power on June 13, 1973.^{7/} Again, so that the
Chairman can place these responses of June 8 and June 13 into
their proper perspective, we state that these two responses
were answers or information received from the systems and
correctly reflected the comments given to counsel concerning
the questions raised by Consumers Power in the two lists of
deficiencies. As suggested by the Chairman on numerous occasions,
Intervenors have made every effort to respond to reasonable
requests on an informal basis. They shall continue to cooperate
in furnishing responsible answers to reasonable questions, e.g.,
to the deficiency listed under Wolverine 6(b) "The fuel adjust-
ment level applicable on June 30, 1972, has not been provided",
our response was: "As indicated by the rate schedules furnished
by Wolverine in response to item 3, April, 1972, was the first
fuel adjustment clause instituted. This would supply the infor-
mation requested for June, 1972." Subsequently, an affidavit
from John N. Keen, the Manager of Wolverine was supplied, which
verified this response as correct. We furnish this, as well
as a more recent example, so that the Consumers Power allegations

^{6/} See Attachment D.

^{7/} See Attachment E.

can be examined in their true context. Counsel for Consumers Power states at page 2, ". . . O&A's response to interrogatory 10 is still incomprehensible," and the specific deficiency in the June 7, 1973, list states under O&A Cooperative "10. Three of the large accounts 3706-C, 11664-C and 9721-C listed in response to this interrogatory are accompanied by the comment 'uprated' and a date. Clarification requested." These two examples, and there are many others, clearly demonstrates that the allegations concerning non-compliance are baseless overstatements which cannot be permitted to go unanswered. In our June 13, 1973, explanation of this "incomprehensible" gratuitous bit of information, which had no effect whatsoever on the remainder of the large body of data supplied by this system, we stated: "The system has explained that 'uprated' meant that service to the three large accounts was uprated by increasing the size of the transformers on their services on the date given."

IV.

Consumers Power continues to insist that intervenors supply missing information from annual reports or from other documents supplied in response to requests, and alleges that a "misconception about Applicant's discovery and the Commission's Rules of Practice" (p. 3) is revealed in the responses. Thus,

intervenors have been requested to complete forms filed with the Federal Power Commission, or to amend audit reports or other documents to reflect information desired by Consumers Power. As responses from the various systems have repeatedly stated, the information is not available. There is no requirement under any Commission Rule or Federal Rule, of which we are aware, which requires that an answer be manufactured when the information does not exist. In addition, unlike the huge Consumers Power Company, these small utilities do not have sophisticated data storage and retrieval systems whereby every facet of the operation can be placed in a memory bank and instantly be called up by pushing a few buttons. We are informed by our clients that if the annual reports and audits fail to report a certain item, the underlying data simply does not exist, nor can it be retrieved, or collated.

V.

The final overstatement made by Consumers Power is in regard to the responses by the City of Grand Haven. As explained in our letter of June 8, 1973, all of the data requested has been transmitted to Grand Haven and the responses will be given to Consumers Power as soon as they are received. Contrary to the statement that this system failed by more than two months

to meet the deadline set by the Board, only 19 total deficiencies were listed in the May 29, 1973, letter from Consumers Power. Some of these have already been supplied, and the remainder will be furnished as soon as possible. As noted earlier, this system has supplied satisfactory responses to 279 out of 298 items. This can hardly be determined to be an uncooperative degree of non-compliance or a failure to respond "to nearly 20 percent of Applicant's discovery" (p. 4).

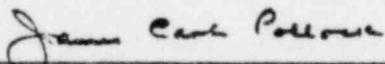
CONCLUSION

The fourteen systems, the MMCP, and the MMEA have made a sincere and responsible effort to comply with all of the thousands of Consumers Power's requests and will continue to cooperate and furnish responsible answers to future reasonable requests, as is apparent from the attachments hereto. In addition, the fifteen respondents have promptly furnished supplemental materials and clarifying answers whenever they have been requested to do so. The only exceptions have been with respect to performing studies, calculations, or to the examination of thousands of bills and meter readings in order to obtain information, and with respect to these, the systems have invited Consumers Power to perform the examination. Insofar as the Consumers Power lists of deficiencies, every

item has received a response except for some of the Grand Haven items. In addition, every respondent with the exception of Top O'Michigan has furnished a verification of their responses made on June 8, 1973. While we do not have verifications for the responses by O&A and Zeeland which were delivered on June 13, 1973, we will obtain them as well as a verification from Grand Haven once the latter's materials have been received.

WHEREFORE, for the above stated reasons, intervenors respectfully request that the Chairman, or the Commission, deny Consumers Power Company's motion contained within the document captioned "Applicant's Report Concerning the Status of Intervenor's Response to Applicant's Discovery", dated June 11, 1973, and attached to a letter addressed to the Chairman dated June 12, 1973.

Respectfully submitted,



James Carl Pollock

One of the attorneys for Intervening Municipals Coldwater, Grand Haven, Holland, Traverse City, and Zeeland, The Northern Michigan Electric Cooperative, The Wolverine Electric Cooperative, and the Michigan Municipal Electric Association.

June 15, 1973

Law Offices Of:

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UNITED STATES OF AMERICA
BEFORE THE
ATOMIC ENERGY COMMISSION

In the Matter Of)
)
Consumers Power Company) Docket Numbers 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 15th day of June, 1973.

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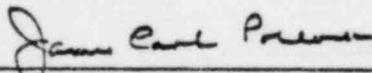
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June 11, 1973

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Washington, D. C. 20036

Re: Verification of Supplemental
Responses to Interrogatories
by Intervenors

Dear Keith:

Enclosed are the following verifications:

Board of Public Works for the City of Holland
O & A Electric Cooperative
Presque Isle Electric Cooperative, Inc.
Board of Public Utilities for City of Coldwater
Oceana Electric Cooperative
Northern Michigan Electric Cooperative
Tri-County Electric Cooperative
Board of Public Works for City of Zeeland
Wolverine Electric Cooperative
Western Michigan Electric Cooperative
Cherryland Rural Electric Cooperative Association
City of Traverse City
Grand Haven Board of Light and Power

Very truly yours,



James Carl Pollock

Enc.

May 25, 1973

Deficiencies in Intervenor Responses to Interrogatories

I. COOPERATIVE DEFICIENCIES

E. Wolverine

6(b) The fuel adjustment level applicable on June 30, 1972 has not been provided.

40. Wolverine refers to audit reports and Forms 12 which do not provide the requested data on a plant-by-plant basis as requested by this question.

42. This interrogatory requests information on generation and transmission expansion plans. Wolverine refers to its Forms 12 as its response. However, only schedules 16 and 19 of these forms in any way provide information on the future and Wolverine has not consistently completed these schedules. Complete reply requested.

F. Oceana

3. Oceana appears to have misunderstood Applicant's request for clarification of effective date of earliest Large Power Service. Applicant requests the effective date of the first large power service made available by the cooperative. If one was in effect prior to the one provided, a copy should be made available.

24. Oceana's supplementary answer still does not clarify whether or not the cooperative's kilowatt-hour sales

figures, as reported in the FPC Form 12-A, were revised in 1970 when estimates of rural customers were revised.

27-28. These responses were not amended. Applicant's former statement stands, as follows: "Oceana apparently misinterprets these interrogatories and reports only the loss of one commercial customer and the gain of one and the loss of two industrial customers and the gain of three over the period 1960 to date. Interrogatories 27 and 28 call for the 10 largest customers lost and gained over the period regardless of their absolute size. Oceana's response would be correct, for example, only if the three industrial customers and the one commercial customer listed in response to 28 were the only industrial and commercial customers which began taking service from the cooperative since 1960."

G. Western Michigan

6(b) No fuel or other adjustment levels have yet been provided. Reply requested.

28. Western Michigan's supplementary response indicates that they still do not understand that the request calls for data on the ten largest customers gained by the system during the period 1960 to date, rather than being related to the ten largest customers currently served by the system. This deficiency has been previously explained to counsel.

34. Western Michigan has not provided or referred

to any document which supplies the response to this interrogatory for the period 1960-1963. Response requested.

II. MUNICIPAL DEFICIENCIES

A. Holland

10. We have not yet received the document referred to by Holland, as its response to this interrogatory. [Counsel has, however, indicated that this document will be furnished.]

B. Coldwater

2. No annual report for 1960 has been furnished.

6(b). Coldwater's response refers to its rate schedules and FPC Forms 13. These documents provide a copy of the fuel adjustment clause but do not provide the applicable adjustment levels as requested for the years 1960-1972. Response requested.

93(a). Response refers to Forms 12 which supply data for the years 1962-1971, but contain no projected figures. The 1961 Form 12 did not report reserve requirement data. Thus, this question has not been answered.

94. Response refers to Forms 12 but these provide no projections for the period 1972-1981 as requested by the question. Reply requested.

C. Traverse City

10. We have not yet received the document referred

to by Traverse City as its response to this interrogatory. [Counsel has, however, indicated that this document will be furnished.]

D. Grand Haven

6(b). Fuel adjustment levels were provided only for 9-4-70, 1-1-71 and 4-30-71. However, interrogatory 6(b) calls for levels as of January 1 and June 30 of each year 1960 through 1973. Complete reply requested.

9. Interrogatory 9 requests either the calculation of a number of bills or a designation of the rate schedule applicable for each of the billing assumptions given for each year 1960 to date. Of the requested information, Grand Haven has provided only the typical residential bills for 1-1-72. Completed response requested.

10. In response to this interrogatory, Grand Haven provided only the peak demand for its ten largest customers. Other requested information such as, kilowatt-hour sales, monthly load factor, applicable rate schedule, minimum monthly charge, voltage at which service was provided and revenue derived from each customer were omitted. Complete reply requested.

13(c). No description of industrial development activities undertaken by the "Tri-Cities Chamber of Commerce" is provided. Please provide same.

22. Response refers to FPC Form 1-M, page 4. The

Interrogatory requests copies of each document prepared by or for the system relating to the effect of municipal ownership on rates, quality of service, taxes, etc. A complete response is requested.

30. Response refers to Audit Reports Exhibit B, wherein the revenues received for energy supplied for "Public Street and Highway Lighting" and "Other Sales to Public Authorities" are supplied. However, no kilowatt-hour data are provided in this Exhibit and there is no indication whether the reported revenues were received from the City of Grand Haven or from other communities. Complete reply requested.

46. Response refers to documents numbered 200,718 and 200,719 copies of which we do not have. Please provide same.

52. No response given. Reply requested.

53. No response given. Reply requested.

57. Response indicates that a study has been prepared but a copy of it has not been furnished. A copy should be supplied.

65. No response given. Reply requested.

71. Response refers to sales report page 200,719 a copy of which we do not have. Please provide same.

75. No response given. Reply requested.

76. Interrogatory 76 calls for information on generation and transmission expansion programs. Response refers

to "auditor's comments". This answer is not responsive.

77. Response indicates the existence of a 1971 Report on electric generation and notes that a copy is on file with the Director of Board of Light and Power. Please furnish a copy for inspection.

82. No response given. Reply requested.

93(a). Response refers to FPC Form 12 but no projected figures are given in that form, as the question requests. Reply requested.

93(b). No response given. Reply requested.

94. Response refers to Form 12 Schedule 19 which does not provide projections for the next 10 years as requested. Reply requested.

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June 8, 1973

TELEPHONE (202) 333-8860

Keith Watson, Esquire
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Washington, D. C. 20036

DELIVERED BY HAND

Re: Consumers Power
Midland Plant (Units 1 & 2)
AEC 50-329A, 50-330A

Dear Keith:

This is in response to your letter of May 29, 1972. Your allegations of non-compliance and inferences of non-cooperation by interveners to your discovery requests are unfounded. Within the context of AEC orders and applicable law, we shall continue to cooperate to get you the information you claim to need, but we do not want to let inferences of non-cooperation go unanswered, especially in view of the fact that our clients have already furnished you with an estimated 15,000 pages of unduplicated materials. These are approximately 8 feet high.

This office has carefully checked each alleged deficiency. We provide the attached responses to each numbered item.

As is proper, interveners have gone to much effort to secure compliance. This effort is especially pronounced in view of their small size compared to Consumers Power Company. From the time you sent your requests, our objections to supplying information were made only where such information was clearly beyond the scope of the proceedings or where the burden was such that it was obviously beyond proper discovery under the Board's rulings and the Federal Rules of Civil Procedure. As an example, we invite you to compare the Appeals Board's rulings and your

June 8, 1973

Keith Watson, Esquire

Page 2

agreement concerning the non-party municipalities with the information supplied by interveners. Moreover, we also invite comparison of Consumers Power's admonitions to requested discovery in Applicant's Answer to Motion to Compel Production of Index, where at page 3, footnote 2 it stated:

"The Intervenor's demand also runs afoul of the well-established principle that a party cannot be forced to 'create' a document production. Soetaert v. Kansas City Coca Cola Bottling Co., 16 F.R.D. 1 (D.C. Mo. 1954); 8 Wright and Miller, Federal Practice & Procedure (1970 ed.), p. 625."

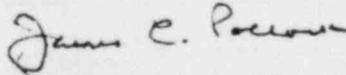
Also see:

Applicants Answer to Motion to Compel Response to Request for Admissions and Objections to Said Request, especially Section 4 beginning on page 10.

Concerning your specific allegations, there may (or may not) be justification for follow-up questions to Grand Haven. We are checking your request with our client. This must be viewed in the context that Grand Haven responded to your discovery months ago. It was not informed of your follow-up questions until May 29, 1973. This was apparently due to your having lost or misplaced Grand Haven's original responses. Grand Haven subsequently duplicated and sent you a second copy.

With regard to your other objections, in some instances you complain about non-compliance, when you have been sent documents. It is understandable given the complexity and amount of information requested that documents can be misplaced, but this does not warrant allegations of non-compliance. In other instances systems have replied or do not have the knowledge to reply further without detailed studies. Your complaint is not non-compliance, but that you do not like the answers.

Very truly yours,


James Carl Pollock

cc: Wallace Brand, Esq.
Joseph Rutberg, Esq.
Board Members

RESPONSE BY INTERVENORS

I. Cooperatives

E. Wolverine

6(b) As indicated by the rate schedules furnished by Wolverine in response to item 3, April, 1972, was the first fuel adjustment clause instituted. This would supply the information requested for June, 1972.

40. Wolverine has supplied all the data as is available in its Form 12 and Audit reports with respect to this interrogatory. The fact that the information supplied does not fall into the precise form desired by Consumers Power does not make it unresponsive.

42. Wolverine has supplied the forms it has available, and the information as contained therein will not be modified simply because Consumers Power requests such modification. There are no data available to go back in time to fill in blanks. In addition, Wolverine has supplied the information requested in items 40 and 42 in the several Daverman studies made available many months ago to Consumers Power. See, e.g., Power Supply Study - 1968 Supplement for Wolverine Electric Cooperative.

F. Oceana

3. It has furnished all its rate schedules.

24. Oceana has supplied the data available. The KWH sales were revised because they revised the number customers. To the extent a study is required to respond, this need not be produced by this or any other respondent.

27-28. In the absence of any statement to the contrary, the response must be taken at its face value, and, whatever conclusions Consumers Power wishes to make from the data supplied, it is, of course, free to do so.

G. Western Michigan

6(b) Please observe the response to Item 9(b) which calculates the only fuel adjustments applicable. The statement of non-compliance is incorrect.

28. Western Michigan has responded with respect to the 10 largest commercial/industrial customers served by the system from 1960-1972. In several conferences with counsel, the agreement was to examine the current 10 largest customers and trace them back in time providing the dates on which first service began. Consumers Power is now attempting to shift gears and require a

search of all data to determine the 10 largest customers in each year regardless of size. This system has invited the inspection of its records by a Company representative. (See Rule 33(c) Federal Rules of Federal Procedure).

It does not know the answer to the question as modified and is not required to make a study to find out.

34. The response previously supplied is: The information with respect to 1960-1963 is not available.

II. Municipals

A. Holland

10. The document in question was supplied twice and once in response to a telephonic request. We appreciate the acknowledgement that such request was to be granted. The telephonic request was also furnished promptly, (See attachment A) four days prior to your letter of May 29, 1973.

B. Coldwater

2. The response was previously supplied that the 1960 Annual Report was not available. We once again state this fact: Coldwater cannot locate a copy of the 1960 Annual Report in its files.

6(b) The data given is the only data available. Study's, calculations, and computations will not be performed simply because Consumers Power requests them.

92(a); 94 Please refer to the study by Campbell, Deboe, Giese & Weber which supplies the information requested, and which has been supplied, contrary to your allegation of non-compliance.

C. Traverse City

10. See Attachment A. It is clearly established that the deficiency is in the handling of data supplied to counsel for Consumers Power.

D. Grand Haven

The alleged deficiencies now reported will be submitted to Grand Haven and to the extent additional data can be provided it will be forwarded to Consumers Power as soon as it has been received by this office.

6(b) Although we have not had the opportunity of checking further with Grand Haven, we must assume that this response is complete and that either there was no fuel adjustment prior to the dates reported or that no data concerning earlier dates are available. If this is in error, we shall supply the additional information.

9. Grand Haven has given all rate schedules in response to item 3. It can thus be determined which of the levels and which of the typical bills would be applicable. The underlying data has thus been supplied and Consumers Power can conduct its own calculations.

10. According to our records, a supplemental response was given which supplied the requested information. Since we have not received a complete return of documents from Consumers Power as of this date, we cannot comment specifically. We will, however, check with Grand Haven and advise counsel.

With respect to the remainder of the comments concerning Grand Haven, these will be submitted to the system. We do, however, supply documents numbers 200,718 and 200,719 which we previously supplied to Consumers Power.

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OF COUNSEL
PHILIP ELMAN
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June 7, 1973

*NOT ADMITTED IN D. C.

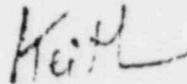
James Carl Pollock, Esquire
2600 Virginia Avenue, N. W.
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Dear Jim:

We have reviewed the supplemental responses of those intervening systems which responded after May 8, 1973, and enclose a list of those interrogatories served on August 4, 1972, for which complete responses have yet to be produced from these systems.

We request that complete responses to these items be in our hands within ten days.

Sincerely,



Keith S. Watson

KSW:asl

Enclosure

Deficiencies in Supplementa.

Responses by O & A and Zeeland

A. O & A Cooperative

10. Three of the large accounts 3706-C, 11664-C and 9721-C listed in response to this interrogatory are accompanied by the comment "uprated" and a date. Clarification requested.

B. Zeeland

1. Zeeland purports to have furnished copies of FPC Forms 3 for the period 1960-1971. Applicant has a copy only of the 1970-1971 form. Copies of missing documents are requested.

10(a) and (b). The five largest commercial and industrial customers were indicated as of the February 1973 billing. No historical data or indication of the rate schedule under which service presently is provided are furnished. These data should be furnished.

11. Response refers to "current distribution map furnished". Applicant has no copy of this document. Please provide.

46. Zeeland now refers to its FPC Form 1-M, page 3, as its response. These forms for the years 1962, 1964, 1965, 1966 and 1967 provide no kilowatt-hour sales data by class of customer. Applicant requests complete reply to this interrogatory.

53. This interrogatory requests information regarding the 10 largest customers acquired by the system during the period 1960 to date. Zeeland's provision of a list of the 10 largest customers presently served is unresponsive. Applicant requests complete response to this interrogatory.

93. Response refers to FPC Form 12. These reports supply the data for 1960-1971, but they contain no projections for the next 10 years. Response for the period 1972-1981 should be furnished.

94. Response refers us to Form 12, page 34. These reports provide data for the years 1960-1975, but they contain no projections for the years 1976-1981. Response requested.

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June 13, 1973

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HAND DELIVERED

Re: Responses to List of Deficiencies
Attached to Letter Watson to
Pollock Dated June 7, 1973.

Dear Keith:

I have had telephone conferences with O & A and Zeeland regarding the information requested by the above captioned list. Following are the answers obtained from these systems:

A. O & A Cooperative

10. The system has explained that "uprated" meant that service to the three large accounts was uprated by increasing the size of the transformer on their services on the dates given.

B. Zeeland

1. Zeeland has no additional Form 3's in its files other than those supplied for 1970 and 1971. The explanation is that there was a typographical error in listing the Form 3's which should be and is hereby corrected to be 1970-1971,

10(a) and (b) Zeeland informs us that to the best of their knowledge the customers listed in this response have been with the system during the entire period in question. While it may be possible that one or two could have been replaced by some other in size during a particular year, this would be impossible to check since the records of the system do not go back that far except for the annual reports. As

June 13, 1973

Keith Watson, Esquire

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to indicating which rate schedule would be applicable, Zeeland's rate schedules are certainly uncomplicated and the applicable rate schedule, which would be either "B" or "C", can easily be determined by the amount of energy provided.

11. Zeeland's distribution map was previously furnished along with other materials some months ago. We are herewith attaching our copy which must be returned.

46. Zeeland states that it has no data available in its files which would permit it to go back in time and fill in data which was not reported in the Form 1-M's listed. Other documents supplied furnish all the data available with respect to KWH sales by class of customer, i.e., the annual financial statements.

53. The response made by Zeeland listed its 10 largest customers currently served and to the best of the system's knowledge these have been customers during the period in question. There are no data by which the system could give a year-by-year list of the 10 largest customers which were acquired since it does not maintain bills and meter readings in its files.

93 and 94. Zeeland has mailed a copy of its 1972 Form 12 which was recently completed. This has been attached and contains all the projections this system has made.

Very truly yours,



James Carl Pollock

Enclosures

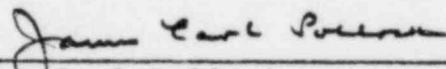
UNITED STATES OF AMERICA
BEFORE THE
ATOMIC ENERGY COMMISSION

In the Matter of)
)
Consumers Power Company) Docket Numbers 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 one of the attorneys for Intervening Municipals Coldwater, Grand Haven, Holland, Traverse City, and Zeeland, The Northern Michigan Electric Cooperative, the Wolverine Electric Cooperative, and the Michigan Municipal Electric Association, and that as such he has signed the foregoing Reply to Consumers Power Company's Report Concerning the Status of Intervenor's Responses to Consumers Power's Discovery 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 15th day of June, 1973.



Notary Public

My Commission expires Sept. 30, 1974.