

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
CONSUMERS POWER COMPANY ) Docket Nos. 50-329A  
(Midland Units 1 and 2) ) and 50-330A

SUBPOENA DUCES TECUM

To: William Stron  
Superintendent,  
Department of Municipal Services  
Wyandotte, Michigan

You are commanded to appear at the offices of William Marcoux, 1100 City Bank Building, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

This subpoena is issued pursuant to Section 2.720 of the Atomic Energy Commission's Rules of Practice, 10 C.F.R. Part 2. You are hereby advised that Section 2.720(f) of the aforementioned Rules provides as follows:

On motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed, and on notice to the party at whose instance the subpoena was issued, the presiding officer or, if he is unavailable, the Commission may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms.

This subpoena is issued at the instance of Consumers Power Company, applicant in the above-captioned proceeding, by order of the Atomic Safety and Licensing Board.

\_\_\_\_\_  
Jerome Garfinkel, Chairman  
Atomic Safety and Licensing Board

Dated and issued:

February \_\_, 1973  
Washington, D.C.

THIS DOCUMENT CONTAINS  
POOR QUALITY PAGES

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ATOMIC ENERGY COMMISSION

In the Matter of )  
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CONSUMERS POWER COMPANY ) Docket Nos. 50-329A  
(Midland Units 1 and 2) ) and 50-330A

SUBPOENA DUCES TECUM

To: Walter J. Spencer  
Superintendent,  
Water and Light Department  
Union City, Michigan

You are commanded to appear at the offices of Lawrence Bullen, 415 South Jackson Street, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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(Midland Units 1 and 2) ) and 50-330A

SUBPOENA DUCES TECUM

To: John Brand  
City Manager  
Sturgis, Michigan

You are commanded to appear at the offices of Lawrence Bullen, 415 South Jackson Street, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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(Midland Units 1 and 2) ) and 50-330A

SUBPOENA DUCES TECUM

To: William T. Dennis  
City Manager  
St. Louis, Michigan

You are commanded to appear at the offices of Smith & Brooker, P.C., 703 Washington Avenue, Bay City, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Elbert Pierce  
Superintendent,  
Board of Public Utilities  
South Haven, Michigan

You are commanded to appear at the offices of John LaParl, 615 American National Bank Building, Kalamazoo, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Arthur Reinhold, Jr.  
Superintendent,  
Light and Water Department  
Sebewaing, Michigan

You are commanded to appear at the offices of Smith & Brooker, P.C., 703 Washington Avenue, Bay City, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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(Midland Units 1 and 2) ) and 50-330A

SUBPOENA DUCES TECUM

To: Larry A. Wernette  
City Manager  
Portland, Michigan

You are commanded to appear at the offices of John Collins, 900 American Bank & Trust Building, Lansing, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Richard I. Gorman  
City Manager  
Petosky, Michigan

You are commanded to appear at the offices of Contkle & Venum, 110 Water Street, Boyne City, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: J. A. Brett  
Manager,  
Board of Public Works  
Niles, Michigan

You are commanded to appear at the offices of John LaParl, 615 American National Bank Building, Kalamazoo, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Victor Wirtz  
Superintendent,  
Water and Electric Works  
Marshall, Michigan

You are commanded to appear at the offices of Lawrence Bullen, 415 South Jackson Street, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

This subpoena is issued pursuant to Section 2.720 of the Atomic Energy Commission's Rules of Practice, 10 C.F.R. Part 2. You are hereby advised that Section 2.720(f) of the aforementioned Rules provides as follows:

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SUBPOENA DUCES TECUM

To: John T. Jones  
Superintendent of Light and Power  
Lowell, Michigan

You are commanded to appear at the offices of Warner, Norcross & Judd, 900 Old Kent Building, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

This subpoena is issued pursuant to Section 2.720 of the Atomic Energy Commission's Rules of Practice, 10 C.F.R. Part 2. You are hereby advised that Section 2.720(f) of the aforementioned Rules provides as follows:

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SUBPOENA DUCES TECUM

To: Earl Brush  
Acting Manager,  
Board of Water and Light  
Lansing, Michigan

You are commanded to appear at the offices of John Collins, 900 American Bank & Trust Building, Lansing, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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(Midland Units 1 and 2) ) and 50-330A

SUBPOENA DUCES TECUM

To: William Carr  
City Manager  
Hillsdale, Michigan

You are commanded to appear at the offices of Lawrence Bullen, 415 South Jackson Street, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: George Vondrak  
City Manager  
Hart, Michigan

You are commanded to appear at the offices of Warner, Norcross & Judd, 900 Old Kent Building, Grand Rapids, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Henry Graper, Jr.  
City Manager  
Dowagiac, Michigan

You are commanded to appear at the offices of John LaParl, 615 American National Bank Building, Kalamazoo, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Parry G. Baer, Jr.  
Superintendent,  
Light and Power Department  
Crosswell, Michigan

You are commanded to appear at the offices of Smith & Brooker, P.C., 703 Washington Avenue, Bay City, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: John B. Fox  
Village Clerk  
Clinton, Michigan

You are commanded to appear at the offices of William Marcoux, 1100 City Bank Building, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Frederick Weber  
Village Administrator  
Chelsea, Michigan

You are commanded to appear at the offices of William Marcoux, 1100 City Bank Building, Jackson, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Thomas C. Hanna  
City Administrator  
Charlevoix, Michigan

You are commanded to appear at the offices of Contkle & Varnum, 110 Water Street, Boyne City, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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SUBPOENA DUCES TECUM

To: Horace D. Hodge  
City Manager  
Bay City, Michigan

You are commanded to appear at the offices of Smith & Brooker, P.C., 703 Washington Avenue, Bay City, Michigan, on the second day of April, 1973, at 4:00 P.M. and to bring with you the documents as per the attachment to this subpoena entitled "Attachment to Subpoena Duces Tecum".

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Attachment to Subpoena Duces Tecum

A. Definitions and General Directions

1. "Document" means the original, any copy (regardless of origin), and all drafts of all writings of every kind in the possession, custody or control of the electric system or municipality, including all drafts or correspondence, memoranda, reports, financial reports, vouchers, and other accounting records, notes, letters, telegrams, messages (including reports of telephone conversations and conferences), studies (including, but not limited to, load flow, engineering, general economic and market studies), analyses, comparisons, books, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes and other communications, including inter-and intra-office communications, transcripts, purchase orders, questionnaires and surveys, maps, charts, graphs, electrical or geographic diagrams including those known in the trade as "one line diagrams," photographs, phonograph or other recordings and other data compilations from which information can be obtained. Only documents prepared, sent or received since January 1, 1960 are requested. Either the originals or legible copies of requested documents should be produced.

2. "System" means the electric generation, transmission, or distribution system owned, operated, or financed by the municipality which it serves.

3. Each document produced and answer hereto should identify the number of this request (and subparagraph, if any) to which it is responsive and should be arranged serially according to such number.

4. In the event any document requested herein was destroyed or is otherwise unavailable, specify in detail the reason therefor.

5. If any document requested is available, but is withheld by reason of any assertion of privilege or other claim, describe each such document, including the name, address and position of the persons preparing and receiving it, the form of the document, its title (if any) and the matter to which it relates. In addition, provide a brief statement of the grounds on which privilege or other claim is being asserted.

B. Documents Requested

1. For each year 1960 to date furnish copies of the following:

(a) all financial, operating, load and capacity reports or statements submitted to the Federal Power Commission, the Michigan Public Service Commission, the Edison Electric Institute, the American Public Power Association, the Michigan Municipals and Cooperatives Power Pool, the Michigan Municipal Electric Association, or to any local governing authority or official;

(b) all public reports, writings, or notices of any type reflecting the financial or operating condition of the system;

(c) all electric rate schedules, tariffs, rate contracts or agreements, conditions and terms of service or any other statement of rates applicable to each customer class served by the system and in effect at any time during the period January 1, 1960 to date;

(d) (1) a single document or any group of documents which show (i) the identity and address of each customer (or other person) to



whom the system has considered or proposed to offer electric service pursuant to rates or terms and conditions of service other than the applicable rates and conditions for such customer identified in response(s) to request 1(c), supra; (ii) the rates and terms or conditions of service which were so considered or so offered; and (iii) the system's reasons or intent (including competitive considerations) in considering or proposing such rates or terms or conditions of service for each such customer (or other person).

(2) all correspondence between the system (and its employees or agents) and each customer identified in response to request 1(d)(i), supra, which relate to the system's consideration or proposal to offer electric service under rates or terms and conditions of service other than those produced in response to request 1(c), supra.

2. Provide any single document or group of documents which show:

(a) the name and address of each customer served by the system at any time from 1960 to date under any rate schedule, tariff, contract, agreement, or any arrangement for service other than the applicable rates and conditions for such customer identified in request 1(c), supra.

(b) (i) each of the rates and other terms and conditions upon which each customer identified in response to 2(a) has been served from 1960 to date; and (ii) each such customer's annual peak demand, its annual kilowatt-hour consumption from the system and the gross annual revenues received by the system from each customer from 1960 to date.

3. Furnish copies of all cost of service studies, bill frequency analyses, cost or profitability analyses by customer class and/or for the system as a whole prepared by or for the system.

4. (a) Provide reports, studies, and analyses prepared for or by the system relating to:

(i) comparisons of the system's electric rates or quality of electric service with the electric rates or quality of electric service of applicant or any other electric system in lower Michigan.

(ii) the ability or desirability of the system to attract or serve the electric power requirements of commercial or industrial customers or to compete for retail load with applicant or any other electric system.

(iii) the services or moneys which the electric system provides to other municipal activities or other municipal entities.

(iv) the impact or effect of municipal ownership of the system upon the level of the system's electric rates or quality of electric service or upon municipal tax rates.

4.(b) Provide correspondence between the system and each customer served (or sought to be served) by the system which discusses any of the subjects set forth in 4(a)(i) to (iv), supra.

4.(c) With regard to the system's ten largest customers (in terms of kilowatt-hour consumption) which have ceased taking electric service from the system since 1960 and the ten largest customers which began taking service from the system since 1960, provide:

(i) correspondence (and documents showing the content of each oral communication) between the system and each such customer discussing the reason(s) for the cessation or the initiation of service to each such customer.

(ii) correspondence (and documents showing the content of each oral communication) between the system and applicant (or any other electric system) relating to the cessation or initiation of service to each such customer.

4.(d) With regard to each industrial or commercial entity (located within or adjacent to the area served by the system) which the system has refused, or declined the opportunity, to serve since 1960, provide:

(i) correspondence (or documents showing the content of each oral communication) between

the system and each employee or agent of each such entity discussing why the system did not serve such entity.

(ii) correspondence (and documents showing the content of each oral communication) between the system and applicant (or any other electric system) relating to the system's failure to serve each such entity.

(iii) any document or group of documents which shows the name, address and classification (e.g., commercial or industrial) of each such entity and whether said entity was located within the municipal boundary at the time of the system's failure to serve it.

4.(e) Provide any document or group of documents which show:

(i) each increase or decrease in the geographic area served by the system (including, but not limited to, changes in area resulting from municipal annexation, condemnation, or agreements with other electric systems)

(ii) the number of residential, commercial and industrial (totaled by classification) customers included within each such area at the time of each such increase or decrease, and the annual kilowatt-hour demand of each customer classification for the year in which the change occurred

(iii) the date and size (in square miles) of each such area increase or decrease, and

(iv) the extent to which each increase or decrease in areas served affected competition for retail customers between the system and applicant (or any other electric system).

5. Furnish copies of each of the following:

(a) all documents prepared by or for the system, or on which the system has relied, during the period January 1, 1960 to date which contains any reference to expected future increases in production capability, investment in the system or growth in the system's peak demand, sales, revenues, profits and/or number of customers served;

(b) all documents prepared by or for the system, or on which the system relied, describing the economic condition of the area served by the system, projections of future economic conditions, or the prospect for attracting commercial and/or industrial customers, or other potential stimuli of economic growth, to the area;

(c) all documents relating to any denial of electric service or decision not to seek the opportunity to serve any customer.

6. Furnish citations to and copies of each provision of any municipal bond indenture, municipal ordinance, or other county, township or municipal rule, regulation or order which relates to the authority of the system's municipality or any agency or department thereof, to:

(a) construct system facilities outside of the municipality;

(b) construct system facilities for the sale of electricity outside the municipality;

(c) share the ownership of electric facilities with any other utility or entity;

(d) interconnect with any other utility or entity;

(e) coordinate or integrate in any other way with any other utility or entity.

7. Provide studies, reports or memoranda prepared by or for the system with respect to any of the following:

(a) the system's costs of obtaining bulk electric power supply through (i) self-generation by the system itself, (ii) joint ventures with other electric systems, (iii) unit purchase or ownership interest in any nuclear electric unit, (iv) interchange or coordination arrangements with applicant (or any other electric system), (v) wholesale purchases from applicant (or any other electric utility), or (vi) wheeling over transmission lines owned by applicant (or any other lower Michigan electric system).

(b) the feasibility, desirability or cost to the system of any proposal considered (or adopted) by the system to install or expand



generation or transmission capacity (either alone or jointly with any other entity).

(c) the technical and/or economic feasibility of the system's construction of generating and/or transmission facilities.

(d) the technical and/or economic feasibility or desirability of the system's providing electric service to one or more entities (within or adjacent to its service area) with demands of over 500 kilowatts each.

8. Furnish copies of the following:

(a) all coordinating or integrating agreements, contracts, or understandings for the sale or exchange of electric power and energy between the system and any other electric utility now in effect, or in effect at any time during the period January 1, 1960 to date (exclude any such agreement with applicant).

(b) any prospectus or other reports filed with any government entity or issued to the public which reflects the financial, operating or competitive condition of the system.

9. Furnish all documents relating to each membership in any bulk power supply coordination group and any document relating to the exclusion of particular electric utilities or classes of such utilities from such groups, including but not limited to communications with other electric utilities with respect to actions, joint or several, to prevent admission of such electric utilities.

10. Provide any document or group of documents showing each of the system's management positions, the name of the individual presently occupying such position, and the chain of command and areas of responsibility of each such position.

11. With regard to activities or other efforts by or on behalf of the system (or its employees or agents) designed to attract commercial or industrial facilities to locate within (or adjacent to) the area served by the system, provide:

(a) documents analyzing or evaluating the purpose, effect, feasibility, or desirability, of such actions or efforts.

(b) all documents publicly disseminated by or on behalf of the system (or its employees or agents) in connection with any such action or effort.

(c) all correspondence and promotional literature prepared by or for the system in connection with any such activity or effort by the system.

(d) any document or group of documents which show the number of prospective industrial and commercial customers contacted by or on behalf of the system in connection with any such activity or effort for each year from 1960 to date.

12. (a) Furnish a copy of the system's charter, and other documents issued to the system by any local governmental entity which empowers the system to organize or to provide electric service.

(b) Provide any document, or group of documents, which shows the rules, regulations or by-laws promulgated by the system with regard to its organization or

electric operations and all revisions or amendments thereto.

13. Furnish a copy of each municipal ordinance or other regulation, rule or order issued by the system or the municipal government which contains a requirement that any person or any class (e.g., by size or location) of persons obtain their electric power requirements from the system. If any such requirement exists but is not fully described in the foregoing documents, furnish each document which reflects any practice or policy of the system to require any person or class of persons to obtain electric power requirements from the system.

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D. C. 20268

Mail Classification Case, 1973 ) Docket No. MC73-1

Notice Establishing Time for Filing  
Requests for Limited Participation

(February 6, 1973)

On January 30, 1973, the Commission noticed this proceeding and provided that petitions for leave to intervene should be filed by February 26 (38 F. R. 2800). Thereafter, on February 5, the Commission adopted new rules providing a means for persons to participate in Commission proceedings without becoming full parties. These rules are published elsewhere in this issue of the Federal Register.

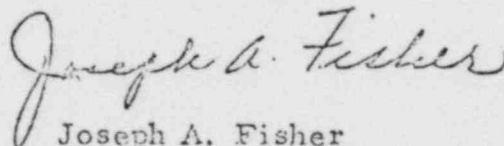
In the case of persons who wish to appear in Commission proceedings on a limited basis, the new rules can ease the expense of participation. Such "limited participators" may present evidence, cross-examine, and file briefs before the administrative law judge. They will not, however, be required to answer interrogatories, to produce documents, or otherwise be subject to discovery procedures.

FEB 11 1973  
GEORGE SPIEGEL

The effects of the new "limited participator" rules are spelled out in the Preamble to those rules.

If any person desires to be heard in this proceeding as a "limited participator," that person should file a request to do so with the Secretary, Postal Rate Commission, Washington, D. C. 20268, on or before February 26, 1973. Any person who has filed or has taken steps to file a petition to intervene may signify by a letter that he wishes to be granted limited participation under the new rules, rather than full intervention. Such letters should be filed promptly with the Secretary.

By the Commission.



Joseph A. Fisher  
Secretary

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D. C. 20268

Before Commissioners: Chairman Crowley, Commissioners  
Baily and Ryan

Limited Participation in Commission ) Docket No. RM73-2  
Proceedings by Persons Not Parties )

ORDER PROMULGATING AMENDMENTS  
TO RULES OF PRACTICE AND PROCEDURE

(Issued February 6, 1973)

In the Advance Notice of Rulemaking Regarding Proposed Revisions to Rules of Practice and Procedure, Docket No. RM73-2, published in the Federal Register on August 16, 1972 (37 F. R. 16554), the Commission invited interested parties to submit comments for revision of procedural provisions of the Commission's Rules of Practice and Procedure. Proposals were received for revising a number of Rules, and these are currently under consideration.

Expressly referred to in the Notice was a proposal to allow limited participation in Commission proceedings, permitting a person who did not choose to avail himself of the full hearing rights granted formal parties a means for placing before the Commission his position on any of the issues in the case. This proposal assumed special significance in light of the forthcoming classification case, notice of which was published in the Federal Register on January 30, 1973 (38 F. R. 2800). Accordingly, this aspect of Docket No. RM73-2 is being considered at this time independently of the other matters in the docket.

Feb 9-1973

GEORGE SPIEGEL

Commenting in favor of a rule allowing limited participation were Second Class Mail Publications, Inc., American Retail Federation, Fairchild Publications, Inc. and Magazine Publishers Association. The Postal Service also supported the concept but argued that the persons having such status must "accept the lesser rights which that status confers along with the lesser obligations it imposes."<sup>1/</sup> No comments opposing the adoption of such a rule were received. In essence what supporters of the rule seek is the opportunity to state their views on the record without incurring the burdens in effort and expense that full participation in lengthy and complex proceedings frequently entails. Their comments do not set forth with any specificity what the scope of such participation should be; but they cite as examples of what they seek 14 C. F. R. § 302.14(b) and 49 C. F. R. § 1100.73, rules of the CAB and ICC, respectively, which provide for limited intervention in the proceedings of those agencies.

As indicated in the Notice, the Commission favors a relaxation of the rules to allow limited participation by those who do not desire to become full parties to our proceedings. At the same time we recognize, as do the proponents of the rule,<sup>2/</sup> the merits of the Postal Service view that such a rule should not be one-sided. Otherwise it could become a means for securing the advantages of full-party status while avoiding the obligations placed on such parties. We believe the rights and limitations being prescribed strike an appropriate balance.

Persons who choose to avail themselves of the status of limited participants will have an adequate opportunity to submit evidence and state their position on the issues without unduly delaying the progress of the hearing or imposing unwarranted burdens on formal parties. The Commission wishes to emphasize, however, that the rules establish significant differences between formal parties and limited participants, particularly in connection with discovery and the opportunity to be heard following issuance of an intermediate decision. Persons contemplating limited participation under the new rules should be mindful of the restrictions placed on their participation in the Commission proceeding and also of the effect their decision may have on their standing to seek appellate review under 39 U. S. C. § 3628.

Pursuant to § 3603 of the Postal Reorganization Act, 39 U. S. C. § 3603, it is ordered that the Rules of Practice and Procedure are

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<sup>1/</sup> Reply Comments of USPS, p. 2

<sup>2/</sup> See, e.g., Reply Comments of Fairchild Publications, Inc.



amended as set forth below. Since the amendments are procedural in nature, notice and public procedure thereon are not required, and it is therefore further ordered that they shall become effective on February 7, 1973. Accordingly, in light of the foregoing findings, and after careful consideration of the comments received, the Commission hereby amends Part 3001 of its regulations (39 C.F.R. Part 3001), as follows:

1. Amend the Table of Contents by adding a new section 3001.19a--  
Limited participation by persons not parties, as follows:

Subpart A--Rules of General Applicability

Sec.

\* \* \* \* \*

3001.19a Limited participation by persons not parties

2. Revise section 3001.5(h) to read:

§ 3001.5 Definitions.

\* \* \* \* \*

(h) "Participant" means any party and the officer of the Commission who is designated to represent the interests of the general public and, for purposes of §§ 3001.11(a), 12, 21, 23, 24, 30, 31 and 32 only, it also means persons granted limited participation.

3. Amend section 3001.7(a) as follows:

§ 3001.7 Ex parte communications.

(a) Prohibition. To avoid the possibility or appearance of impropriety or of prejudice to the public interest and persons involved in proceedings pending before the Commission, no person who is a party to any on-the-record proceeding or who is granted limited participation in accordance with § 3001.19a, or his counsel, agent, or other person acting on his behalf, nor any interceder, shall volunteer or submit to any member of the Commission or member of his personal staff, to the presiding officer, or to any employee participating in the decision in such proceeding, any ex parte off-the-record communication regarding any matter at issue in the on-the-record proceeding, except as authorized by law; and no Commissioner, member of his personal staff, presiding officer, or employee participating in the decision in such proceeding, shall request or entertain any such communication. For the purposes of this section, the term "on-the-record

proceeding" means a proceeding noticed pursuant to § 3001.17. The prohibitions of this paragraph shall apply from the date of issuance of such notice.

4. Add a new section 3001.19a reading as follows:

§ 3001.19a Limited participation by persons not parties.

Notwithstanding the provisions of § 3001.20, any person may appear as a limited participator in any case that is noticed for a proceeding pursuant to § 3001.17, in accordance with the following provisions:

(a) Form of request. Requests for leave to be heard as a limited participator shall be in writing, shall set forth the nature and extent of the requestor's interest in the proceeding, shall include the name and full mailing address of the person or persons who are to receive service of documents by the Secretary, and, except where good cause for late filing is shown, shall be filed not later than the date fixed for the filing of petitions to intervene pursuant to § 3001.20(c).

(b) Action on requests. As soon as practicable the Commission shall act to grant or deny requests for limited participation. The grant of a request for limited participation shall not constitute a determination by the Commission that the grantee has such an interest in the proceeding that he would be aggrieved by an ultimate decision or order of the Commission.

(c) Scope of participation. Subject to the provisions of § 3001.30(f), limited participators may present evidence which is relevant to the issues involved in the proceeding and their testimony shall be subject to cross-examination on the same terms applicable to that of formal participants. Limited participators may file briefs or proposed findings pursuant to §§ 3001.34 and 3001.35, and within 15 days after the release of an intermediate decision, or such other time as may be fixed by the Commission, they may file a written statement of their position on the issues. The Commission or the presiding officer may require limited participators having substantially like interests and positions to join together for any or all of the above purposes. Sections 3001.25 through 3001.28 shall not be applicable to limited participators. However, limited participators, particularly those making contentions under 39 U. S. C. § 3622(b)(4),

are advised that failure to provide relevant and material information in support of their claims will be taken into account in determining the weight to be placed on their evidence and arguments.

5. Amend section 3001.55 to read:

§ 3001.55 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12. Such service shall also be made on persons who have been granted limited participation.

6. Amend section 3001.65 to read:

§ 3001.65 Service by the Postal Service.

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for a recommended decision and its prepared direct evidence upon such officer and the parties permitted to intervene as provided in § 3001.12. Such service shall also be made on persons who have been granted limited participation.

7. Amend section 3001.75 to read:

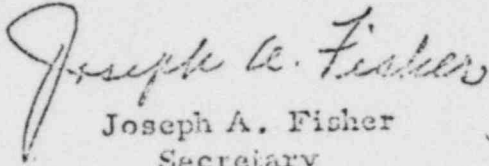
§ 3001.75 Service by the Postal Service .

Immediately after the issuance of an order or orders by the Commission designating an officer of the Commission to represent the interests of the general public or granting petitions to intervene in a proceeding before the Commission under this subpart, the Postal Service shall serve copies of its formal request for an advisory opinion and its prepared direct evidence upon such officer and the parties permitted to intervene as provided by § 3001.12. Such service shall

also be made on persons who have been granted limited participation.

(Sections 3603, 3622-3624, 3661, 3662 of the Postal Reorganization Act; 84 Stat. 760-762, 764; 39 U.S.C. §§ 3603, 3622-3624, 3661, 3662; 5 U.S.C. § 553, 80 Stat. 383-384.)

By the Commission.

  
Joseph A. Fisher  
Secretary