

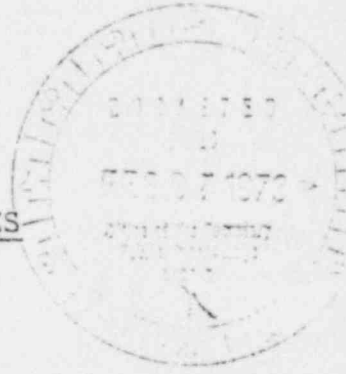
UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

50-329A, 330A

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

ORDER GRANTING APPLICANT'S MOTION TO  
COMPEL NON-PARTIES TO RESPOND TO  
DEPOSITIONS UPON WRITTEN INTERROGATORIES

(February 27, 1973)



The Applicant, on February 22, 1973, served a motion requesting that twenty-one non-party municipal utilities be compelled to respond to a revised set of written interrogatories on or before the close of business April 2, 1973. With certain exceptions, which are noted below, the interrogatories are either identical to many of the earlier ones which had been approved by this Atomic Safety and Licensing Board (Board) at the Third Prehearing Conference held on February 12, 1973, or have been revised in accordance with the Board's rulings at that Prehearing Conference.

Consequently, the Chairman of the instant Hearing Board in a telephone conference held on February 26, 1973, advised counsel for the parties that with some slight

80 06 110 550 M

THIS DOCUMENT CONTAINS  
POOR QUALITY PAGES

modification the instant motion of Applicant would be granted, since it conforms to rulings previously made by the Board. In these circumstances, counsel were further advised that the Board would enter such an order without awaiting replies to the motion. Further, counsel for the subpoenaed municipal utilities was advised that the order requiring responses to depositions upon written interrogatories may be appealed to the Appeal Board no later than the close of business March 16, 1973.

Accordingly, the twenty-one non-party municipal utilities are herewith ordered to respond to the written interrogatories attached to Applicant's motion, with the following exceptions:

9(c) is modified by the deletion of the words "sewage, gas, water, or," as shown in lines 9 and 10 of that paragraph. The Board previously ruled that electrical energy was the primary issue in the proceeding.


40(c) is stricken, with the understanding that the subpoenaed municipal utilities will describe the substance of the changes in response to interrogatory 40(b) in such detail as to enable the Applicant to calculate the comparable adjustments


called for in 40(c). The Board ruled that the subpoenaed municipal utilities did not have to make computations.


69 is modified by the deletion of the words "and furnish each document relating to each such instance," contained in the last sentence of interrogatory 69. Interrogatories may not be used as a method for compelling the production of documents.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
\_\_\_\_\_  
J. V. Leeds, Jr.

  
\_\_\_\_\_  
Hugh K. Clark

  
\_\_\_\_\_  
Jerome Garfinkel, Chairman

Issued at Washington, D. C.

this 27th day of February 1973.

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

In the Matter of )  
 )  
CONSOLIDATED POWER COMPANY )  
(Midland Plant, Units 1 and 2)

Docket No. 50-329A, 330A

CERTIFICATE OF SERVICE

I hereby certify that copies of an ORDER GRANTING APPLICANT'S MOTION TO COMPEL NON-PARTIES TO RESPOND TO DEPOSITIONS UPON WRITTEN INTERROGATORIES dated February 27, 1973, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 27th day of February 1973:

Jerome Garfinkel, Esq., Chairman  
Atomic Safety and Licensing Board  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Hugh K. Clark, Esq.  
P. O. Box 127A  
Kennedyville, Maryland 21645

Wallace E. Brand, Esq.  
U. S. Department of Justice  
P. O. Box 7513  
Washington, D. C. 20044

David A. Leckie, Esq.  
Public Counsel Section  
Antitrust Division  
Department of Justice  
Washington, D. C. 20530

Dr. J. V. Leeds, Jr.  
P. O. Box 941  
Houston, Texas 77001

Joseph Rutberg, Esq.  
Benjamin H. Vogler, Esq.  
Antitrust Counsel  
Office of the General Counsel  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

William T. Gahmelt, Esq.  
Antitrust Division  
P. O. Box 7513  
Washington, D. C. 20530

William Warfield Ross, Esq.  
Keith S. Waton, Esq.  
Toni K. Golden, Esq.  
Wald, Harkrader, Nicholson & Ross  
1320 19th Street, N.W.  
Washington, D. C. 20036

James F. Fairman, Jr., Esq.  
James Carl Pollock, Esq.  
2600 Virginia Avenue, N. W.  
Washington, D. C. 20037

Mr. Abraham Braitman, Chief  
Office of Antitrust and Indemnity  
Directorate of Licensing  
U. S. Atomic Energy Commission  
Washington, D. C. 20545

Harold P. Graves, Esq.  
Vice President and General Counsel  
Consolidated Power Company  
212 West Michigan Avenue  
Jackson, Michigan 49201

Honorable Frank Kelly  
Attorney General, State of Michigan  
Lansing, Michigan 48913

Joseph J. Scully, Esq., Chief  
Public Counsel and Legislative Staff  
Antitrust Division  
U. S. Department of Justice  
Washington, D. C. 20530

cc: Mr. Garfinkel  
Rutberg  
ASIAF  
V. 2130  
Dep. Dir.  
Mr. Gahmelt

*James H. Gahmelt*  
\_\_\_\_\_  
Chief of the Secretary of the Commission