

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



In the Matter of)	
HOUSTON LIGHTING & POWER)	Docket Nos. 50-498A
COMPANY, et al. (South)	50-499A
Texas Project, Units 1)	
and 2))	
)	
TEXAS UTILITIES GENERATING)	
COMPANY, et al. (Comanche)	Docket Nos. 50-445A
Peak Steam Electric)	50-446A
Station, Units 1 and 2))	

ANSWER OF THE DEPARTMENT OF JUSTICE IN SUPPORT OF
THE PETITION OF THE TEXAS BORDER COOPERATIVES
FOR LEAVE TO INTERVENE OUT OF TIME

On July 31, 1980, the Texas Border Cooperatives ("Border Cooperatives") filed a "Petition of the Texas Border Cooperatives for Leave to Intervene Out of Time" ("Petition") with the Atomic Safety and Licensing Board ("Licensing Board"). ^{1/} The Department of Justice ("Department") hereby submits its answer in support of the Petition. The Department contends that the Petition satisfies Section 2.714(a) of the Rules of Practice of the Nuclear Regulatory Commission ^{2/} for nontimely intervention, and is in accord with Nuclear Regulatory Commission ("NRC" or "Commission") case precedent concerning the granting of nontimely petitions to intervene, and, therefore, should be granted.

^{1/} The Texas Border Cooperatives filed by hand their Petition with the Department of Justice on August 1, 1980. On August 8, 1980, at a Pre-hearing Conference in the captioned proceedings, the Licensing Board granted a request allowing the Department of Justice until August 14, 1980, to file an answer to the Petition.

^{2/} 10 C.F.R. §2.714(a).

8008180676

I.

Factual Background

Notices of the South Texas Project and Comanche Peak anti-trust proceedings at the NRC were published in the Federal Register on April 14 and August 7, 1978, respectively. ^{3/} Various parties intervened in these proceedings, including Central and South West ("CSW"), seeking interconnections between the Electric Reliability Council of Texas ("ERCOT") and the Southwest Power Pool ("SWPP"), to eliminate an alleged situation inconsistent with the antitrust laws arising out of the proposed operating licenses in these proceedings. CSW's public posture indicated their support for alternating current synchronous ("AC") interconnections between ERCOT and SWPP. ^{4/} On June 10, 1980, nearly three months after discovery closed in these proceedings, CSW, with the concurrence of Houston Lighting & Power Company ("HL&P"), Dallas Power and Light Company ("DP&L"), Texas Electric Service Company ("TESCO") and Texas Power and Light ("TP&L") submitted copies of a proposed settlement agreement to all parties in this proceeding. The settlement agreement was subsequently filed in a related Federal Energy Regulatory Commission ("FERC") proceeding. In this settlement agreement CSW advocated publicly for the first time a proposal that ERCOT and SWPP be interconnected by asynchronous

^{3/} 43 Fed. Reg. 15811 (1978) (South Texas Project); 43 Fed. Reg. 34850 (1978) (Comanche Peak).

^{4/} A study done on CSW's behalf indicated the benefits of a Mode 4 AC interconnection between ERCOT and SWPP ("PTI Study"). DC interconnections were not advocated in Mode 4 in the PTI Study. CSW supplied the PTI Study to the Border Cooperatives.

direct current ("DC"), rather than AC, line. 5/ The settlement agreement was offered in settlement of a number of pending cases in various forums, including the instant proceedings before the NRC. 6/ Within eight weeks of that filing, the Border Cooperatives filed the instant petition to intervene.

II.

The Border Cooperatives' Nontimely Petition for Leave to Intervene Satisfies the Standards for Late Filings Set Forth in Section 2.714 of the Regulations

In In the Matter of Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority, (West Valley Reprocessing Plant) (CLI-75-4, 1 NRC 273 (April 17, 1975) ("West Valley") the Commission confirmed that Section 2.714(a) governs the disposition of untimely petitions to intervene in a proceeding. Section 2.714(a) provides in part:

Nonetimely filings will not be entertained absent a determination by the Commission, presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request that the petition and/or request should be granted based upon a balancing of the following factors in addition to those set out in paragraph (d) of this section:

- (i) Good cause, if any, for failure to file on time.
- (ii) The availability of other means whereby the petitioner's interest will be protected.
- (iii) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.

5/ Settlement Agreement, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, West Texas Utilities Company, filed in Central Power & Light Co., FERC Docket No. EL-79-8.

6/ Settlement Agreement, Attachment I at 6-8.

- (iv) The extent to which the petitioner's interest will be represented by existing parties.
- (v) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

Section 2.714(d) provides:

- (d) The Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on petitions to intervene and/or requests for hearing shall, in ruling on a petition for leave to intervene, consider the following factors, among other things:
 - (1) The nature of the petitioner's right under the Act to be made a party to the proceeding.
 - (2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.
 - (3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest.

The Department submits that a fair balancing of the factors contained in Section 2.714(a) and (d) supports granting the Border Cooperatives' petition for intervention.

A. The Border Cooperatives Have Shown Good Cause for Their Late Filing

The Border Cooperatives have alleged facts sufficient to support a showing of good cause for failure to file a timely intervention as that requirement has been interpreted by the Atomic Safety and Licensing Appeals Board ("Appeals Board"). The Border Cooperatives assert: (1) that the construction of the proposed DC lines would have a severely anticompetitive impact on the Border Cooperatives; (2) that the DC proposal injects significant, complex and novel issues into these

proceedings that were not otherwise involved herein; (3) that the Border Cooperatives could not have reasonably anticipated that these issues would be injected into these proceedings; (4) in the unlikely event these issues did become implicated in these proceedings, that Border Cooperatives had good reason to believe that another party to these proceedings, namely CSW, would protect the interest of the Border Cooperatives; and (5) that only after CSW tendered the settlement agreement to the Licensing Board on June 10, 1980, did the Border Cooperatives realize that their reasonable and good faith reliance on CSW to protect the interest of the Border Cooperatives was misplaced.

It is undisputed that the DC proposal contained in the settlement agreement adds critical issues to the NRC proceedings that were not before the Licensing Board prior to the moment that the settlement agreement was tendered to the Licensing Board. Prior to the submission of the settlement agreement to the Licensing Board, the instant proceedings did not implicate the question of whether DC lines were an appropriate manner to achieve an interconnection between ERCOT and SWPP. Further, it is undisputed that, as alleged by the Border Cooperatives, the DC proposal raises important competitive issues that are specific to the DC lines that are the subject of that proposal. Finally, it is undisputed that the DC proposal may have a severely

anticompetitive effect on the Border Cooperatives. 7/ The Department submits that these factors are sufficient to demonstrate "good cause" to grant the untimely intervention petition of the Border Cooperatives.

The Border Cooperatives also assert that they could not have reasonably anticipated that the issues raised by the DC proposal would eventually become injected into these proceedings. This belief on the part of the Border Cooperatives was predicated on the widespread understanding throughout Texas and adjacent states that CSW would advocate only AC interconnections between ERCOT and SWPP. This understanding was, in turn, based upon CSW's consistent and repeated public statements that AC lines were the only appropriate device for interconnecting ERCOT and SWPP. CSW's position on this issue was evidenced not only in its conspicuous and steadfast advocacy of AC interconnections, but also in its repeated rejections of DC interconnections as a viable alternative to AC interconnections. Against the background of CSW's long and uncompromising position on this issue, it cannot seriously be disputed that the Border Cooperatives' reliance on

7/ That each of these allegations by the Border Cooperatives is undisputed is underscored by the fact that in its lengthy answer to the Border Cooperatives' petition to intervene, Houston Lighting & Power Company ("HL&P") did not contradict, or even address, any of these issues. HL&P sought to dispose of these allegations on the ground that the "concerns" of the Border Cooperatives will receive adequate consideration at FERC. HL&P Answer at 8 et seq. The Department agrees that FERC is an appropriate forum to consider these issues but, as argued infra, the NRC has a broader antitrust responsibility than FERC. In any event, the mere fact that FERC is a proper forum does not divest the NRC of jurisdiction to consider issues raised by the DC proposal.

CSW was reasonable. 8/

Finally, the case law at the NRC provides ample precedent to allow untimely intervention where a party has reasonably and in good faith refrained from intervening because of representations by an Applicant which are subsequently altered by that Applicant. This is particularly true where the Applicant's changed position will, as here, create or maintain a situation inconsistent with the antitrust laws. For example, in In the Matter of Florida Power & Light Company, (St. Lucie Nuclear Power Plant, Unit No. 2), ALAB-420, 6 NRC 88 (July 12, 1977) ("St. Lucie"), aff'd, CLI-78-12, 7 NRC 939 (June 21, 1978) Florida Power & Light Company ("FP&L") took actions which caused the City of Orlando, Florida ("Orlando") to have the "impression" that Orlando could forego participation in St. Lucie Unit No. 2 and, at a future date, obtain participation in the South Dade nuclear unit that FP&L was planning to build. 6 NRC at 18. More than a year later, FP&L advised Orlando that FP&L had decided not to build the South Dade nuclear

8/ HL&P's Answer states that the Border Cooperatives' claim of surprise is "wholly disingenuous" because the concept of DC interconnections was first introduced in March 1979 at the FERC proceeding, in which the Border Cooperatives have intervened. HL&P has apparently misinterpreted the thrust of the claim advanced by the Border Cooperatives; the surprise they have suffered relates not to the injection of the DC concept at the FERC proceeding, but to the injection of that issue in the NRC proceeding and to CSW's unanticipated abandonment of AC interconnections and its acquiescence in the DC concept. As HL&P notes, in any event, the DC concept was introduced at the FERC proceeding by HL&P, not CSW. HL&P Answer at 6-7. Moreover, HL&P's espousal of the DC concept at FERC was met with opposition, not open arms, by CSW. It was not until CSW tendered the settlement agreement to the NRC that CSW formally and publicly dropped its opposition to the DC concept.

unit. 6 NRC at 17. Four months after FP&L related to Orlando its decision not to build the South Dade nuclear unit, Orlando submitted its petition to intervene out of time in St. Lucie. Id. In finding that Orlando had good cause for submitting a nontimely petition to intervene, the Appeals Board stated:

In short, in light of the considerations described, we cannot say that the Licensing Board abused its discretion in excusing Orlando for failing to petition for intervention in 1973. In reaching this result we do not imply that the company deliberately set about to mislead Orlando (or anyone else) into foregoing intervention. The record does not compel any such conclusion and we do not suggest it to be the case. But certainly as perceived by those on the outside, the company's actions and representations indicated a willingness to join with Florida municipal electric utilities in the development of nuclear power facilities. Had FP&L indicated in 1973 what it made clear in 1976--that it was going to develop its next nuclear power plant unilaterally--we harbor little doubt that Orlando (if not the Attorney General) would have demanded an antitrust hearing on the St. Lucie 2 application at that earlier time.
6 NRC at 20.

Like the petitioner in St. Lucie, the Border Cooperatives saw no reason to intervene in a timely manner because the course being pursued by other parties, particularly CSW, would not be detrimental to their interests. As in St. Lucie, the competitive problem faced by the petitioner did not arise until the previous position of a party was altered. If anything, the Border Cooperatives' position is stronger than the petitioner in St. Lucie because the settlement agreement has placed in issue an entirely different potential competitive harm that could not have been anticipated by the Border Cooperatives in time to make

a timely petition to intervene. 9/ On this basis, the Border Cooperatives have shown good cause for the granting of their nontimely intervention.

Even if good cause is not shown, a petition for late intervention can be granted on the basis of the other four factors in Section 2.714(a). Pacific Gas & Electric Company (Stanislaus Nuclear Project, Unit 1), 5 NRC 1017, 10245 (1977). The Department believes that the Border Cooperatives have established not only good cause, but also that the petition should be granted on the basis of those other factors described below.

B. The Border Cooperatives Do Not Have Other Means to Protect Their Interests

The Department contends that the Border Cooperatives have established that their interests cannot adequately be protected except by intervention. 10/

9/ The Department further contends that the petition of the Border Cooperatives should be treated with even more liberality than that shown by the Commission in St. Lucie because, whereas the intervention petition in that case sought access to the subject nuclear plant, the petition submitted by the Border Cooperatives does not seek an ownership interest in either the South Texas Project or Comanche Peak. Where access is sought it is reasonable to impose a more stringent standard for untimely intervention petitions than where access is not sought because, presumably, construction of the plant is a widely publicized fact and substantial lead times are required for planning purposes. Moreover, granting an untimely intervention petition that seeks access threatens an Applicant with loss of an ownership interest that he could reasonably expect he would not be deprived of once he had invested substantial funds for construction.

10/ Section 2.174(a)(ii).

Although the CSW DC interconnection proposal is also before the FERC in a proceeding in which the Border Cooperatives are a party, this Commission will ultimately decide whether activities under a license containing the DC interconnection proposal will create or maintain a situation inconsistent with the antitrust laws. In addition to, and apart from, any action taken by FERC, the above-described decision by the NRC will critically affect the ability of the Border Cooperatives to compete.

The FERC proceeding is being conducted under the Public Utility Regulatory Policies Act ("PURPA"), 16 U.S.C. §§210, 211, 212, _____ to approve the DC interconnection. Even though the Border Cooperatives are a party to the FERC proceeding, participation in that proceeding will not necessarily protect the Border Cooperative's interest in assuring that the license conditions adopted by the NRC are adequate to cure the alleged situation inconsistent with the antitrust laws because, unlike Section 105(c) of the Atomic Energy Act, PURPA does not explicitly contain an antitrust standard. The PURPA standard is a "public interest" standard applicable under the Federal Power Act. 16 U.S.C. §§791 et seq. ("FPA") 11/ While it has been held that FERC must consider antitrust factors in determining whether its action is in the "public interest," the Appeal Board has recognized that the FPA "public interest" standard has a lower

11/ See *Conway Corp. v. Federal Power Commission*, 510 F.2d 1264 (D.C. Cir. 1975), aff'd, 426 U.S. 271 (1976); *Gulf States Utilities Co. v. Federal Power Commission*, 402 U.S. 515 (1971).

antitrust component than the statutory standard applicable to the NRC under Section 105c of the Atomic Energy Act. 12/ Therefore, in order for the competitive concerns expressed by the Border Cooperatives to be fully ventilated, it is necessary that the Border Cooperatives have an opportunity to present their views to the NRC, as well as to FERC.

C. The Border Cooperatives' Intervention Would Assist in the Development of a Sound Record

Intervention by Border Cooperatives can also be expected to assist in developing a sound record. The Border Cooperatives have identified as a witness Mr. Steven E. Collier, an expert on transmission systems, including DC systems. Since an issue in this proceeding will be whether ERCOT and SWPP should be interconnected by AC or DC lines, testimony on this issue should be of considerable assistance to the Licensing Board.

Even though HL&P, Texas Utilities ("TU"), and CSW intend to call expert witnesses on transmission systems, such witnesses are likely to testify that the DC proposal should be adopted. In addition, though Brownsville and the NRC Staff may also call engineering witnesses, for the reasons discussed in the next paragraph, such experts may not necessarily testify with respect to all of the concerns raised by the Border Cooperatives. Consequently, the testimony of Mr. Collier can be expected to assist in the development of a sound record, thereby satisfying Section 2.714(a)(iii).

12/ See In the Matter of The Toledo Edison Company and the Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2 & 3), ALAB 560, slip. op. at 299 (September 6, 1979), appeal docketed, No. 80-1295, 80-1307, (3rd Cir., Feb. 29, 1980), No. 80-1296, 80-1310 (3rd Cir., March 4, 1980) citing Otter Tail Power Company v. United States, 410 U.S. 366, 373 (1973).

D. The Interests of the Border Cooperatives Will Not Necessarily Be Represented By Existing Parties

The Department understands that the Border Cooperatives is the only cooperative group in Texas situated in the area where the proposed northern DC line will cross. As such, the Border Cooperatives are likely to be affected in a unique manner by that proposed interconnection which would not necessarily be addressed by existing parties. While it is true that both the NRC Staff and the Department may address issues of concern to the Boarder Cooperatives, both the NRC Staff and the Department present arguments responsive to public, not private, interests. Indeed, the Licensing Board has in the past recognized that government parties, even if taking essentially the same position as a petitioner, may not fully cover all items the intervencor feels necessary to protect its interests. Pacific Gas & Electric Company (Stanislaus Nuclear Project, Unit 1), 5 NRC 1017, 1036 (1977). In any event it is clear from the Petition, the Border Cooperatives' stake in the outcome of this proceeding is immense. Their future competitive viability, indeed, their very existence may hinge on the Commission decision. 13/

E. The Border Cooperatives Will Not Broaden the Issues or Delay the Proceedings

The representations of the Border Cooperatives made in the Petition confirm that the granting of the Petition will not delay the proceeding or broaden the issues. 14/ All but one Border

13/ Petition at 5.

14/ Section 2.174(a)(v).

Cooperatives witness has already been identified and the Border Cooperatives have represented that they will accept the record as they find it. 15/ Consequently, the only conceivably necessary discovery that could not have been undertaken long ago is discovery with regard to the testimony of Mr. Collier.

Nor will intervention by the Border Cooperatives broaden the issues in this case. It is the Applicants themselves, not the Border Cooperatives, who have introduced into this proceeding the issue of the effect on competition of DC interconnections between ERCOT and SWPP. The Petition reveals that the Border Cooperatives wish only to bring to the attention of the Commission the anticompetitive ramification of Applicants' proposal. Moreover, the Border Cooperatives expressed concern with access to their electric power and energy requirements, either from West Texas Utilities ("WTU") or others, is already at issue insofar as the intrastate only policy restricts access to such power. Consequently, granting the Petition will not broaden or unduly delay this proceeding.

III

The Petition Satisfies All Requirements of Section 2.714 Concerning the Adequacy and Specificity of the Petition

The Appeals Board has ruled that a petition to intervene raising antitrust concerns must: (1) describe the situation allegedly inconsistent with the antitrust laws which is the basis for the intervention; (2) describe how the situation conflicts with the policies underlying the antitrust laws;

15/ Petition at 9-10.

(3) describe how the situation allegedly inconsistent with the antitrust laws would be created or maintained by activities under the license; and (4) identify the specific relief sought. Pacific Gas and Electric Company (Stanislaus Nuclear Project, Unit 1), 5 NRC 1017, 1022 (1977). Clearly, the Border Cooperatives have set forth the specific relief sought. 16/

They have also clearly described the situation alleged to be inconsistent with the antitrust laws and how the situation conflicts with the policies underlying the antitrust laws. The Border Cooperatives allege that the DC interconnection may preclude AC interconnections to interstate power. 17/ This, they allege, will preclude them (or others) from constructing AC interconnections and from obtaining power supplies from anyone other than utilities in Texas. 18/ They further allege that this would result in a maintenance of the "stranglehold" on transmission within and without the State of Texas presently held by the large systems in Texas, 19/ thereby locking them into obtaining power only from utilities in Texas 20/ which already possess a monopoly position. 21/ The Petition, therefore, alleges, in effect, that implementation of the DC proposal would perpetuate and enhance the monopoly power of the utilities in Texas over

16/ Petition at 9.

17/ Petition at 7, 8.

18/ Petition at 7.

19/ Petition at 8.

20/ Petition at 7.

21/ Petition at 4.

sales of power to utilities such as the Border Cooperatives (wholesale power) by precluding their ability to either purchase that power from outside Texas or to transmit such power into Texas. Moreover, if, as is alleged by the Border Cooperatives, the construction of the DC interconnections will further undermine the ability of the Border Cooperatives to gain access to power and energy outside of Texas, the monopoly power of the utilities within Texas will be enhanced.

Although not specifically framed in terms of how the activities under the license will create or maintain a situation inconsistent with the antitrust laws, the Petition and the settlement agreement made clear that the proposed DC lines are to be owned and operated by certain Applicants as part of their transmission grid within and without Texas. The Petition alleges that the proposed DC lines will "perpetuate the stranglehold on transmission both within and without the State of Texas which is now maintained by the large systems." 22/ Applicants are the largest electric utilities in Texas, and if they possess a "stranglehold" over transmission this would be inconsistent with the antitrust laws. Moreover, one of the proposed DC lines (the Southern Interconnection), will be directly linked to the bus at the South Texas Project. Thus, to the extent that the subject nuclear plants will create or maintain a situation inconsistent with the antitrust laws, the proposed DC lines will have a similar effect.

The licenses sought in these proceedings will give the Applicants access to additional power which they can sell at

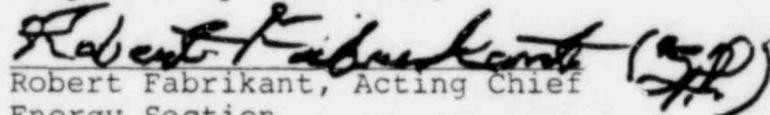
22/ Petition at 8.

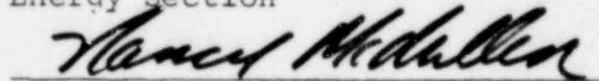
wholesale in Texas. Since the alleged situation inconsistent with the antitrust laws described in the Petition is a monopoly in the transmission market and the market for wholesale power in Texas, the requisite nexus is alleged in the Petition since it is clearly alleging that granting the license against the background of the DC proposal will exacerbate the anticompetitive situation by giving access to additional wholesale power to a monopolist in that market through the issuance of the license. 23/

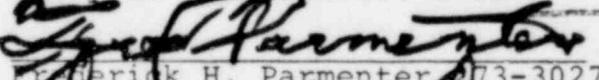
For the reasons enumerated above, the Department believes that the Texas Border Cooperatives have met the requirements of Section 2.714(a) that are necessary to obtain intervention in these proceedings.

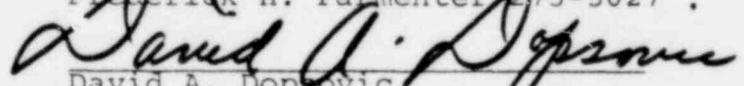
WHEREFORE, the Department respectfully submits that the Texas Border Cooperatives be granted leave to intervene in these proceedings and participate as a full party.

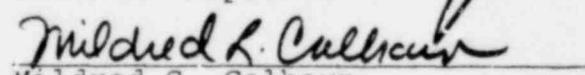
Respectfully submitted,


Robert Fabrikant, Acting Chief
Energy Section


Nancy H. McMillen 671-3735


Frederick H. Parmenter 273-3027


David A. Dopsovic


Mildred C. Calhoun

Washington, D.C.
August 13, 1980

Attorneys, Energy Section
Antitrust Division
U.S. Department of Justice
(Telephone: (202) 724-6624)

23/ The appropriate test of nexus is whether "anticompetitive situations [are] intertwined with or exacerbated by the award of [the] license to construct or operate a nuclear facility. In the Matter of Consumer Power Company (Midland Plant Units 1 and 2), ALAB-452, 6 NRC 892, 917 (1977).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
HOUSTON LIGHTING & POWER)	
COMPANY, et al. (South)	Docket Nos. 50-498A
Texas Project, Units 1 and)	50-499A
2))	
)	
TEXAS UTILITIES GENERATING)	
COMPANY, et al. (Comanche)	Docket Nos. 50-445A
Peak Steam Electric)	50-446A
Station, Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Answer of the Department of Justice Supporting The Petition of the Texas Border Cooperatives for Leave to Intervene Out of Time has been made on the following parties listed hereto this 13th day of August, 1980, by depositing copies thereof in the United States mail, first class, postage prepaid.

Marshall E. Miller, Esquire
Chairman
Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Michael L. Glaser, Esquire
1150 17th Street, N.W.
Washington, D. C.

Sheldon J. Wolfe, Esquire
Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Samuel J. Chilk, Secretary
Office of the Secretary of the
Commission
Washington, D. C. 20555

Alan S. Rosenthal, Esquire
Chairman
Michael C. Farrar, Esquire
Thomas S. Moore, Esquire
Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Jerome E. Sharfman, Esquire
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Chase R. Stephens, Secretary
Docketing and Service Branch
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Stephen H. Lewis, Esquire
Ann P. Hodgdon
U.S. Nuclear Regulatory
Commission
Office of the Executive Legal
Director
Washington, D. C. 20555

Jerome Saltzman
Chief, Antitrust and
Indemnity Group
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Mr. William C. Price
Central Power & Light Co.
P. O. Box 2121
Corpus Christi, Texas 78403

J. K. Spruce, General Manager
City Public Service Board
P. O. Box 1771
San Antonio, Texas 78203

Perry G. Brittain
President
Texas Utilities Generating
Company
2001 Bryan Tower
Dallas, Texas 75201

R. L. Hancock, Director
City of Austin Electric
Utility Department
P. O. Box 1088
Austin, Texas 78767

G. W. Oprea, Jr.
Executive Vice President
Houston Lighting & Power
Company
P. O. Box 1700
Houston, Texas 77001

Jon C. Wood, Esquire
W. Roger Wilson, Esquire
Matthews, Nowlin, Macfarlane
& Barrett
1500 Alamo National Building
San Antonio, Texas 78205

David M. Stahl, Esquire
Isham, Lincoln & Beale
Suite 325
1120 Connecticut Avenue, N.W.
Washington, D. C. 20036

Michael I. Miller, Esquire
James A. Carney, Esquire
Sarah N. Welling, Esquire
Isham, Lincoln & Beale
4200 One First National Plaza
Chicago, Illinois 60603

Michael Blume, Esquire
Frederic D. Chanania, Esq.
U.S. Nuclear Regulatory
Commission
Washington, D. C. 20555

Jerry L. Harris, Esquire
City Attorney,
Richard C. Balough, Esquire
Assistant City Attorney
City of Austin
P. O. Box 1088
Austin, Texas 78767

Robert C. McDiarmid, Esquire
Robert A. Jablon, Esquire
Spiegel and McDiarmid
2600 Virginia Avenue, N.W.

Dan H. Davidson
City Manager
City of Austin
P. O. Box 1088
Austin, Texas 78767

Don R. Butler, Esquire
1225 Southwest Tower
Austin, Texas 78701

Joseph Irion Worsham, Esq.
Merlyn D. Sampels, Esq.
Spencer C. Relyea, Esq.
Robert A. Wooldridge
Worsham, Forsythe & Sampels
2001 Bryan Tower, Suite 2500
Dallas, Texas 75201

Joseph Knotts, Esquire
Nicholas S. Reynolds, Esq.
Leonard W. Belter
Debevoise & Liberman
1200 17th Street, N.W.
Washington, D. C. 20036

Douglas F. John, Esquire
McDermott, Will and Emery
1101 Connecticut Ave., N.W.
Suite 1201
Washington, D. C. 20036

Morgan Hunter, Esquire
McGinnis, Lochridge & Kilgore
5th Floor, Texas State Bank
Building
900 Congress Avenue
Austin, Texas 78701

Jay M. Galt, Esquire
Looney, Nichols, Johnson
& Hayes
219 Couch Drive
Oklahoma City, Oklahoma 73101

Knoland J. Plucknett
Executive Director
Committee on Power for the
Southwest, Inc.
5541 East Skelly Drive
Tulsa, Oklahoma 74135

John W. Davidson, Esquire
Sawtelle, Goode, Davidson
& Tioilo
1100 San Antonio Savings
Building
San Antonio, Texas 78205

W. S. Robson
General Manager
South Texas Electric
Cooperative, Inc.
Route 6, Building 102
Victoria Regional Airport
Victoria, Texas 77901

Robert M. Rader, Esquire
Conner, Moore & Corber
1747 Pennsylvania Ave., N.W.
Washington, D. C. 20006

R. Gordon Gooch, Esquire
John P. Mathis, Esquire
Steven R. Hunsicker
Baker & Botts
1701 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

Robert Lowenstein, Esquire
J. A. Bouknight, Esquire
William J. Franklin, Esquire
Lowenstein, Newman, Reis,
Axelrad & Toll
1025 Connecticut Avenue, N.W.
Washington, D. C. 20036

E. W. Barnett, Esquire
Charles G. Thrash, Jr., Esq.
J. Gregory Copeland, Esq.
Theodore F. Weiss, Jr., Esq.
Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002

Kevin B. Pratt, Esquire
Assistant Attorney General
P. O. Box 12548
Capital Station
Austin, Texas 78711

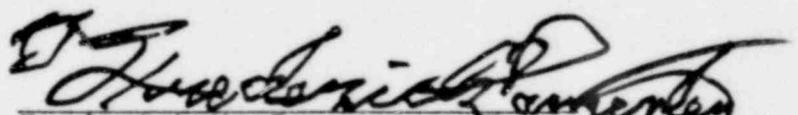
Frederick H. Ritts, Esquire
Law Offices of Northcutt Ely
Watergate 600 Building
Washington, D. C. 20037

Donald M. Clements, Esq.
Gulf States Utilities Company
P. O. Box 2951
Beaumont, Texas 77704

Mr. G. Holman King
West Texas Utilities Co.
P. O. Box 841
Abilene, Texas 79604

W. N. Woolsey, Esquire
Kleberg, Dyer, Redford & Weil
1030 Petroleum Tower
Corpus Christi, Texas 78474

Robert A. O'Neil
Miller, Balis & O'Neil, P.C.
776 Executive Building
1030 Fifteenth Street, N.W.
Washington, D. C. 20005


Frederick H. Parmenter,
Attorney
Energy Section, Antitrust
Division, Department of
Justice