

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before The Atomic Safety and Licensing Board

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

APPLICATION FOR ISSUANCE OF SUBPOENA

The Public Utilities Board of the City of Brownsville, Texas ("Brownsville") pursuant to 10 C.F.R. §2.720 hereby requests issuance of the attached subpoena to Mr. R. W. Hardy, formerly Chairman of the Board and Chief Executive Officer of Central Power & Light Company ("CP&L"). The subject matter of the deposition will be matters relating to the South Texas (Nuclear Generating) Project, transmission and wheeling services in Texas, the South Texas Interconnected System and the - Interconnected System, bulk power supply, competition among Texas electric utilities, including competition for hydroelectric power, and dealings between Brownsville and Central Power and Light Company.

This deposition was noticed by Brownsville on November 23, 1979 pursuant to 10 C.F.R. §2.740a (1979) and Brownsville has sought to compel deposition pursuant to that notice. See Motion to Compel Deposition, filed February 1, 1980; Answer of Central Power and Light and Roff W. Hardy, filed February 8, 1980; Reply of the Public Utilities Board, filed February 15, 1980. This Application is submitted in the alternative to the arguments to compel deposition set forth in these pleadings.

Should the Board find it appropriate, the Public Utilities Board of the City of Brownsville, Texas requests it to sign the attached subpoena and return it to the undersigned at the address below.

Respectfully submitted,

*Marc Poirier*

Marc P. Poirier  
Attorney for the Public  
Utilities Board of the  
City of Brownsville, Texas

Law Offices Of:  
SPIEGEL & MCDIARMID  
2600 Virginia Avenue, N.W.  
Suite 312  
Washington, D.C. 20037

February 15, 1980

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
HOUSTON LIGHTING & POWER COMPANY	)	
THE CITY OF SAN ANTONIO	)	Docket Nos. 50-498A
THE CITY OF AUSTIN and	)	50-499A
CENTRAL POWER AND LIGHT COMPANY	)	
(South Texas Project, Units Nos.	)	
1 & 2)	)	
TEXAS UTILITIES GENERATING CO., et al.)	)	Docket Nos. 50-445A
(Comanche Peak Steam Electric Station,)	)	50-446A
Units 1 & 2)	)	

SUBPOENA

TO: R. W. Hardy  
Abilene, Texas

YOU ARE HEREBY COMMANDED to appear at the Holiday Inn in the city of Abilene, Texas on the 25th day of February, 1980 at 9:30 o'clock A.M. (and thereafter from day to day if necessary) to testify on behalf of the Public Utilities Board of the City of Brownsville, Texas at the taking of a deposition in the above-entitled action pending before the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission.

Subpoena for Deposition  
Page 2

BY ORDER OF THE ATOMIC SAFETY  
AND LICENSING BOARD

By \_\_\_\_\_

\_\_\_\_\_

Marc R. Poirier, Esquire  
Attorney for Public Utilities  
Board of the City of  
Brownsville, Texas  
SPIEGEL & MCDIARMID  
2600 Virginia Avenue, N.W.  
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10 C.F.R. 2.720(f)

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 as 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.

RETURN ON SERVICE

Received this subpoena at \_\_\_\_\_  
on \_\_\_\_\_ and on \_\_\_\_\_ at  
\_\_\_\_\_ served it on the within named  
\_\_\_\_\_ by delivering a copy to  
h\_\_\_\_\_ and tendering to h\_\_\_\_\_ the fee for one day's  
attendance and the mileage allowed by law.

Dated \_\_\_\_\_ 19 \_\_\_\_\_ By \_\_\_\_\_

Service Fees

Travel \_\_\_\_\_ \$

Services \_\_\_\_\_ \$

Total \_\_\_\_\_ \$

Subscribed and sworn to before me, a \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

UNITED STATES OF AMERICA  
BEFORE THE  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing  
REPLY OF THE PUBLIC UTILITIES BOARD OF THE CITY OF  
BROWNSVILLE, TEXAS AND MOTION FOR LEAVE TO REPLY TO ANSWER OF  
CENTRAL POWER AND LIGHT COMPANY AND ROOF W. HARDY, and  
APPLICATION FOR ISSUANCE OF SUBPOENA to be served on the  
following by deposit in the United States mail, first class,  
postage paid, or, as indicated by an asterisk (\*), by hand  
this 15th day of February, 1980.

Marshall E. Miller, Chairman  
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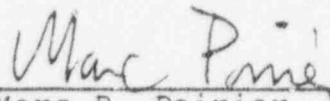
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February 15, 1980