



the **legal aid** society of cleveland

C. LYONEL JONES, DIRECTOR



URBAN DEVELOPMENT OFFICE
1223 West Sixth Street
Cleveland, Ohio 44113
(216) 687-1910

February 3, 1988

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: Chief, Policy Development
and Technical Support Branch
Office of Nuclear Reactor Regulation

Reference: Docket Number 50-440A
Cleveland Electric Illuminating Co. et al;
Request to Suspend the Perry Nuclear Power Plant
Antitrust License Conditions

Dear people:

Enclosed are comments which we are filing on behalf of our clients, Western Reserve Alliance and the Senior Citizens Coalition.

Please file these comments.

Secondly, please include us on the mailing list for this Docket in the future. We would like to receive all notices as well as any other materials that are filed by anyone.

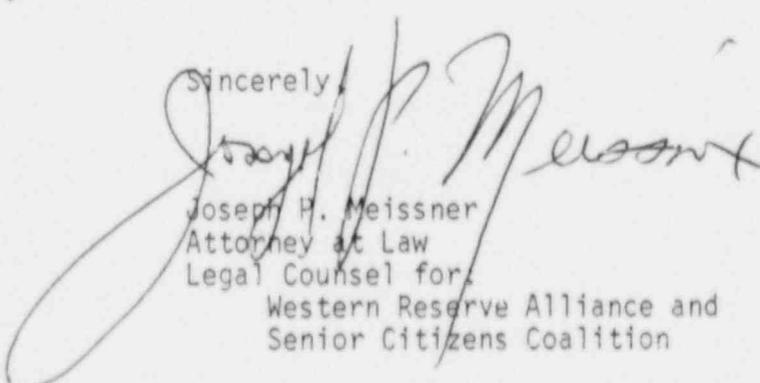
Thirdly, are there any steps that we must take in order to assure that we and our clients receive notification of any further actions in this Docket?

Thank you for your time and attention.

LEGAL ASSISTANT:

Carol Eisenstat

Sincerely,


Joseph H. Meissner
Attorney at Law
Legal Counsel for

Western Reserve Alliance and
Senior Citizens Coalition

8802110085 880203
PDR ADOCK 05000440
M PDR

299
/1

BEFORE THE
UNITED STATES NUCLEAR REGULATORY COMMISSION

In Re: Cleveland Electric Illuminating)
Co., et al; Request to Suspend) Docket No. 50-440A
the Perry Nuclear Power Plant)
Antitrsu License Conditions)
)

COMMENTS

Now Comes the Western Reserve Alliance and the Senior Citizens Coalition who, through their attorney Joseph P. Meissner, file the following comments.

1. Both organizations have members who receive electricity from the Cleveland Electric Illuminating Company. Both also have members who receive electricity from companies other than CEI.

2. Both organizations and their members have been involved in various cases and other regulatory matters which have involved the Ohio Edison Company and the Cleveland Electric Illuminating Company, particularly on issues related to the Perry Nuclear Power Plant.

3. Both organizations are aware of the request by the Ohio

Edison Company to suspend the Perry Nuclear Power Plant Antitrust License Conditions. Both organizations are opposed to any such changes on the following grounds.

4. Ohio Edison has known about these conditions for quite some time, ever since these were first imposed. It would seem that the company should have made this filing quite some time ago. Thus, if for no other reason, the filing should be rejected because of its lateness.

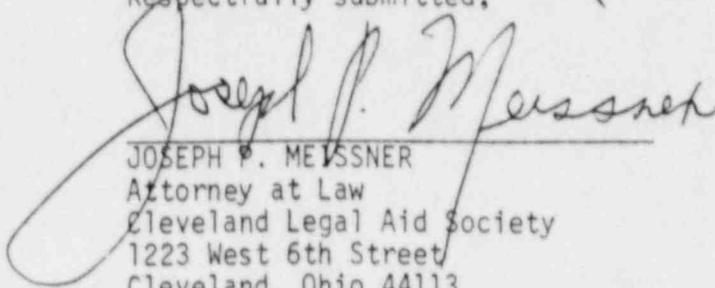
5. Paradoxically, the request by Ohio Edison seems premature. The Perry Nuclear Power Plant has only been in commercial operation for a few months. It seems quite sudden for the company to be filing its request based upon information that seems speculative since the actual costs for Perry for its first year of operation are still in the future.

6. For the past several years, the U.S. economy has been moving in the direction of more competition and the free market model. Our government has stated that the conditions of capitalism are needed to insure sustained and substantial economic progress in this country. Of course, the area of utility regulation can only approximate the free market. But it would seem that granting Ohio Edison's request would be a step backward in terms of our government's current economic policies. Certainly, if this request is granted, there is the possibility that Ohio Edison will be less stimulated to behave in an economic and competitive manner. Competition is intended to benefit the companies of a given industry, the customers of those

companies, and the American economy as a whole. Until Ohio Edison can show that the granting of its request will benefit the company itself, the customers of the company, the customers of other utility companies that might be affected by the suspension of the present conditions, and the general economy of this Ohio area, the Commission should turn down Ohio Edison's request.

7. This is an extremely crucial issue, not only for Ohio Edison, but also for other utility companies and for the Ohio economic area. If the Commission is considering granting Ohio Edison's request, then the Western Reserve Alliance and the Senior Citizens Coalition request that full public hearings be held in this case. Such hearings should be held at times and places that would be convenient to all involved, including the public. Furthermore, adequate notice should be provided for the public.

Respectfully submitted,



JOSEPH P. MEISSNER
Attorney at Law
Cleveland Legal Aid Society
1223 West 6th Street
Cleveland, Ohio 44113
Tele: 1-216-687-1900

LEGAL ASSISTANT:

Carol Eisenstat

Legal Counsel for:
Western Reserve Alliance and
Senior Citizens Coalition

