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August 29, 1979

United States Department of Justice
P. O. Box 14141
Washington, D.C. 20044

Attention: Mr. Robert Fabrikant, Assistant Section Chief
Energy Section, Antitrust Division

Re: Texas Municipal Power Agency
Application for Amendment of
Comanche Peak Steam Electric
Station Construction Permits

Gentlemen:

The Texas Municipal Power Agency (TMPA) is a signatory to contracts with subsidiaries of the Texas Utilities Company that contain language which the Department of Justice has construed as preventing or limiting TMPA from operating in, or interconnecting with other electric utilities that are operating in, interstate commerce. In order to avoid the necessity of an antitrust hearing on TMPA's participation in the Comanche Peak Steam Electric Station, NRC docket numbers 50-445A and 50-446A, TMPA makes the following representations:

- (1) While TMPA is a party to contracts that contain intrastate only provisions, TMPA did not request that such provisions be included in the contracts and would not object to such provisions being deleted from the contracts or enjoined, should such deletion be ordered or an injunction be issued in an administrative or judicial proceeding or be agreed to by the other signatories to the contracts.
- (2) TMPA agrees to be bound by the outcome of the present operating license antitrust proceedings involving the Comanche Peak Steam Electric Station including any conditions that are attached to the operating license as a result of that proceeding.

Very truly yours,

TEXAS MUNICIPAL POWER AGENCY

Joel T. Rodgers
Joel T. Rodgers
General Manager

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JTR/dd

cc: J. Rodney Lee

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