

NRC PUBLIC DOCUMENTS

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January 31, 1979

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Re: Houston Lighting & Power Co., et al.  
(South Texas Units No. 1 & No. 2)  
NRC Docket Nos. 50-498A, 50-499A

Gentlemen:

Enclosed is a copy of the Initial Interrogatories to and First Request for Production of Documents by Texas Utilities Company and Its Subsidiaries from the Public Utilities Board of the City of Brownsville, Texas, in Houston Lighting & Power Co., et al., (South Texas Units No. 1 & No. 2), NRC Docket Nos. 50-498A, 50-499A.

You will also find enclosed copies of interrogatories and document requests by the Public Utilities Board of the City of Brownsville, Texas to other parties in the South Texas proceeding.

We would appreciate your help in clarifying a question we have about some of the documents already produced by TU for Brownsville's inspection. When a law clerk from our firm, Andrew Lawrence, reviewed documents in Texas recently, he saw no documents in the DP&L, TU, or TESCO offices that were responsive to parts of the Plaintiff's Second Request to Texas Electric Service Company for Production of Documents in West Texas Utilities Co. v. Texas Electric Service Co., Civ. Action No. 3-76-0633F (N.D. Texas, Dallas Div.). At the same time Mr. Lawrence found numerous responsive documents in the TP&L offices. The particular requests we are interested in are numbers 1 and 2, concerning competition between utilities for industrial customers; and numbers 4 through 8, relating to fuel availability and cost. As we understand it, when Mr. Lawrence asked to see similar documents from the other TU companies,

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Mr. Slicker said he thought the CSW companies had never returned to TU, DP&L or TESCO to examine documents produced in response to the second request. Thus, he stated, there was nothing which he would make available for Brownsville to review. We understand, however, that while this was Mr. Slicker's impression at the time, he planned to look into it further. Frankly, we are puzzled by this response, and will appreciate it if he or someone else could confirm that this is an accurate explanation for the absence of documents responsive to the above-enumerated requests.

At any rate, some of the items in the enclosed request to TU and its subsidiary companies address certain of the same underlying issues, although the questions are different in focus, and should produce different material as well. In particular, questions 8-12 address fuel availability and costs, and questions 20-23 address industrial competition. In responding to the enclosed request, please keep in mind that, despite the Plaintiff's Second Request for Production of Documents in the antitrust case, Brownsville has not in fact had an opportunity to examine documents relating to these subjects from DP&L, TESCO, or TU. We will be glad to discuss with you what additional production from TP&L would be responsive to our request.

In general, in drafting these requests we have tried to take account of the production that has already occurred in this and related cases, so as to avoid duplicative requests. Should you feel that a particular request covers the same ground as one to which TU has previously responded (in a fashion available to Brownsville), please telephone me to discuss the problem. I would also be glad to answer any other questions you may have about any part of this request.

Very truly yours,

*Marc Poirier*

Marc R. Poirier

Attorney for the Public  
Utilities Board of the City of  
Brownsville, Texas

Enclosures

cc: All parties

MRP:stp