

**BPI****Business and Professional People for the Public Interest**

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RELATED CORRESPONDENCE

June 20, 1984

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Michael I. Miller  
 Isham, Lincoln & Beale  
 Three First National Plaza  
 52nd Floor  
 Chicago, Illinois 60602

Re: Commonwealth Edison Company  
 (Byron Station Units 1 and 2)  
 Docket Nos. 50-454 and 50-455

Dear Mike:

This letter is in partial response to yours of June 19. I wish to make it perfectly clear to you that I am not engaged in "a transparent effort to stall this proceeding." Rather, I have pointed out to you that your method of responding to my discovery requests is making it virtually impossible for me to conduct orderly, reasoned and responsible discovery of your case and concomitant preparation of our own.

A good example is in the letter I received -- hours before the receipt of your letter -- from your legal assistant, which is attached. As that letter makes clear, new documents seem to appear daily at your office in spite of your prior statements that all documents have been produced.

Another example is the interrogatory responses provided to me at 5:30 p.m. on June 19. Mr. Becker indicated he might have some difficulty getting them signed today; I offered to accept his signature as binding the company. It is my understanding that the company does not consider itself bound by the answers served on me today but instead will submit formal answers at some future date.

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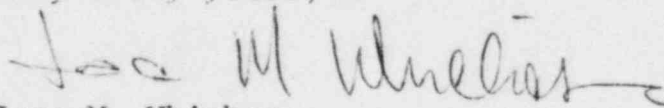
June 20, 1984

Further, because you will not provide a formal statement of whether all documents within a category have been produced, and a formal statement of your objections, you leave little choice but to go before the Board. At our discovery meeting in May you indicated you would assert privilege objections to certain requests; I consider those objections waived since no formal notification of them has been made.

Finally, we have not (and cannot until a review of your discovery responses) decided on whether we will call witnesses. The name of the technical consultant who will review technical documents was provided today to Mr. Becker. This is, of course, the first time any such request has been made of me. Accordingly, I explicitly deny any implications that I am hiding our case from you -- a more appropriate description is that we are awaiting discovery of your case to see what we believe to be the most reasoned approach to our own case.

Thank you for providing oral answers through Mr. Becker on the second set of discovery. I expect you will be serving formal responses shortly, since some of the informal ones were not complete.

Very truly yours,

  
Jane M. Whicher

JMW/amh

cc: Service List

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19 June, 1984

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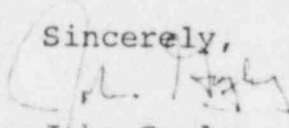
Dear Jane:

Attached you should find copies of the Nonconformance reports that Josh Levin selected on Friday of last week, document numbers 2606-3613. Additionally, I have included other documents which were produced to Mr. Levin and which he chose to have copied, 3614-3688.

Please be advised that a small number of other documents have, since Friday, come to light in our offices, and will be proffered for examination if you so desire. I will await hearing from you or Mr. Levin on this matter.

If you have any other questions, please do not hesitate to call me.

Sincerely,

  
John Gayley,  
Legal Assistant

cc: Mike Wilcove  
Bruce Becker