

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

APPLICATION FOR ISSUANCE OF SUBPOENAS

The Department of Justice ("Department"), pursuant to 10 C.F.R. §2.720, hereby makes an application for the issuance of subpoenas to produce documents identified hereinafter and attached to this application.

On November 29, 1979, the Department issued the "Motion of the Department of Justice for Modification of the July 24, 1979 Order of the Atomic Safety and Licensing Board and Application for Issuance of Subpoenas" ("Motion") requesting that the Atomic Safety and Licensing Board ("Board") issue the subpoenas for which the Department applied in the Motion. The Board subsequently issued said subpoenas and, in the "Order Modifying Hearing Schedule" of December 14, 1979, denied "TUGCO's Opposition to the Motion of the Department of Justice for Modification of Discovery and Hearing Schedule; Motion to

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Quash Subpoenas; and for Other Relief" of December 10, 1979.

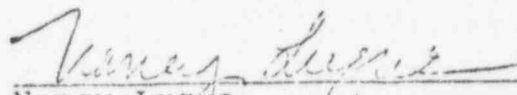
The subpoenas for documents attached herein merely supplement the subpoenas to testify which the Board has already issued on December 3, 1979.

These subpoenas call for the production of documents which are relevant to the issue of competition in the electric utility industry in the State of Texas and surrounding states, the structure of the electric utility industry in and reasonably adjacent to the State of Texas, access to nuclear power plants, other sources of generation and transmission and the interstate versus intrastate operation of utilities in and around the State of Texas.

Subpoenas for Documents

1. J.S. Farrington, Dallas Power and Light Company
2. Edward L. Watson, Texas Electric Service Company
3. James E. Monahan, Brazos Electric Power Cooperative, Inc.

Respectfully submitted,

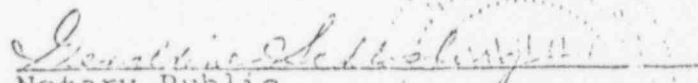
  
Nancy Luque

Washington, D.C.

Attorney  
Antitrust Division  
U.S. Dept. of Justice  
(202-724-6452)

Subscribed and sworn to before me, a notary public, this 2nd day of January, 1980.

Dated: January 2, 1980  
Washington, D.C.

  
Notary Public

My Commission Expires August 1, 1981

90024125

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Application for Issuance of Subpoenas has been made on the following parties listed hereto this 2nd day of January, 1980, by depositing copies thereof in the United States mail, first class, postage prepaid.

Marhsall E. Miller, Esquire  
Chairman  
Atomic Safety & Licensing Board  
Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Michael L. Glaser, Esquire  
1150 17th Street, N.W.  
Washington, D.C. 20036

Sheldon J. Wolfe, Esquire  
Atomic Safety & Licensing Board  
Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Samuel J. Chilk, Secretary  
Office of the Secretary of the  
Commission  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Alan S. Rosenthal, Esquire  
Chairman  
Michael C. Farrar, Esquire  
Richard S. Salzman, Esquire  
Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Jerome E. sharfman, Esquire  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Chase R. Stephens, Secretary  
Docketing and Service Branch  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Jerome Saltzman  
Chief, Antitrust and  
Idemnity Group  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

96024126

Mr. William C. Price  
Central Power & Light Co.  
P.O. Box 2121  
Corpus Christi, Texas 78403

G.K. Spruce, General Manager  
City Public Service Board  
P.O. Box 1771  
San Antonio, Texas 78203

Perry G. Brittain  
President  
Texas Utilities Generating  
Company  
2001 Bryan Tower  
Dallas, Texas 75201

R.L. Hancock, Director  
City of Austin Electric  
Utility Department  
P.O. Box 1088  
Austin, Texas 78767

G.W. Oprea, Jr.  
Executive Vice President  
Houston Lighting and Power  
Company  
P.O. Box 1700  
Houston, Texas 77001

Jon C. Wood, Esquire  
W. Roger Wilson, Esquire  
Matthews, Nowlin, Macfarlane  
& Barrett  
1500 Alamo National Building  
San Antonio, Texas 78205

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1050 17th Street, N.W.  
Washington, D.C. 20036

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Michael Blume, Esquire  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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City Attorney,  
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Assistant City Attorney  
City of Austin  
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City of Austin  
P.O. Box 1088  
Austin, Texas 78767

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Merlyn D. Sampels, Esquire  
Spencer C. Relyea, Esquire  
Worsham, Forsythe & Sampels  
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Dallas, Texas 75201

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1200 17th Street, N.W.  
Washington, D.C. 20036

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Akin, Gump, Hauer & Feld  
1333 New Hampshire Avenue, N.W.  
Suite 400  
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McGinnis, Lochridge & Kilgore  
5th Floor, Texas State Bank  
Building  
900 Congress Avenue  
Austin, Texas 78701

Jay M. Galt, Esquire  
Looney, Nichols, Johnson  
& Hayes  
219 Couch Drive  
Oklahoma City, Oklahoma 73101

Knoland J. Plucknett  
Executive Director  
Committee on Power for the  
Southwest, Inc.  
5541 East Skelly Drive  
Tulsa, Oklahoma 74135

John W. Davidson, Esquire  
Sawtelle, Goode, Davidson  
& Tioilo  
1100 San Antonio Savings  
Building  
San Antonio, Texas 78205

W.S. Robson  
General Manager  
South Texas Electric  
Cooperative, Inc.  
Route 6, Building 102  
Victoria Regional Airport  
Victoria, Texas 77901

Robert M. Rader, Esquire  
Conner, Moore & Corber  
1747 Pa. Avenue, N.W.  
Washington, D.C. 20006

W.N. Woolsey, Esquire  
Dyer and Redford  
1030 Petroleum Tower  
Corpus Christi, Texas 78474

R. Gordon Gooch, Esquire  
John P. Mathis, Esquire  
Baker & Botts  
1701 Pa. Avenue, N.W.  
Washington, D.C. 20006

Robert Lowenstein, Esquire  
J.A. Bouknight, Esquire  
William J. Franklin, Esquire  
Lowenstein, Newman, Reis,  
Axelrad & Toll  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036

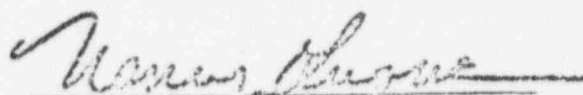
E.W. Barnett, Esquire  
Charles G. Thrash, Jr., Esquire  
J. Gregory Copeland, Esquire  
Theodore F. Weiss, Jr., Esquire  
Baker & Botts  
3000 One Shell Plaza  
Houston, Texas 77002

Kevin B. Pratt, Esquire  
Assistant Attorney General  
P.O. Box 12548  
Capital Station  
Austin, Texas 78711

Frederick H. Ritts, Esquire  
Law Offices of Northcutt Ely  
Watergate 600 Building  
Washington, D.C. 20037

Donald M. Clements, Esquire  
Gulf States Utilities Company  
P.O. Box 2951  
Beaumont, Texas 77704

Mr. G. Holman King  
West Texas Utilities Co.  
P.O. Box 841  
Abilene, Texas 79604

  
Nancy Luque, Attorney  
Energy Section  
Antitrust Division  
Department of Justice

90024128

# United States of America

## NUCLEAR REGULATORY COMMISSION

In the matter of:

HOUSTON LIGHTING AND POWER  
COMPANY, et al. (South Texas  
Project, Units 1 and 2)

TEXAS UTILITIES GENERATING COMPANY  
(Comanche Peak Steam Electric  
Station, Units 1 and 2)

DOCKET NO. 50-498A  
50-499A  
  
50-445A  
50-446A

TO

Edward L Watson (Office)  
Vice President for Rates and  
Regulatory Services  
Texas Electric Service Company  
P.O. Box 970  
Fort Worth, Texas 77001

(Home)  
3720 Summercrest Drive  
Fort Worth, Texas

YOU ARE HEREBY COMMANDED to appear  
at Room ..... 8C6 1100 Commerce Street

in the city of ..... Dallas, Texas  
on the ..... 9th ..... day of ..... January ..... 1980 ..... at ..... 9:00 ..... o'clock ..... A.M.  
to testify

in the above ..... entitled action and bring with you the document(s) or object(s)  
described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY \_\_\_\_\_

Susan B. Cyphert  
Nancy Luque

Attorney for Antitrust Division  
United States Department of Justice  
Washington, D.C. 20534  
Telephone... (202) 724-6667  
(202) 724-7482

....., 19.....

90024129

10 C.F.R. 2.720 (d)

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 sub-  
poena is directed, and on notice to the party at  
whose instance the subpoena was issued, the

presiding officer or, if he is unavailable, the  
Commission may (1) quash or modify the sube-  
poena if it is unreasonable or requires evidence  
not relevant to any matter in issue, or (2) con-  
dition denial of the motion on just and reasonable  
terms.



## SCHEDULE

### I.

#### DEFINITIONS

1. "Document" means, without limiting the generality of its meaning, all original (or copies where originals are unavailable) and non-identical copies (whether different from originals by reason of notation made on such copies or otherwise) of all written, recorded or graphic matter, however produced or reproduced, whether or not now in existence, of correspondence, telegrams, notes or sound recordings of any type of conversation, meeting or conference, minutes of directors' or committee meetings, memoranda, inter-office communications, studies, analyses, notes, books, records, reports, summaries and results of investigations and tests, reviews, contracts, agreements, pamphlets, diaries, calendar or diary entries, maps, graphs, charts, statistical records, computer data or papers similar to any of the foregoing, however denominated, including preliminary versions, drafts or revisions of any of the foregoing and any supporting, underlying or preparatory material.

2. "Electra" means City of Electra.

3. "Seymour" means City of Seymour.

4. "WTU" means West Texas Utilities Company.

5. "TU" means Texas Utilities Company.

### II.

#### CLAIM OF PRIVILEGE

If any document is withheld under claim of privilege, furnish a list which identifies each document for which privilege is claimed and which includes the following information for each such document: date, subject matter, sender, recipient, persons to whom copies were furnished together with their job titles, the basis on which privilege is claimed, and the paragraph(s) of this subpoena to which such documents responds.

90024130

### III.

#### INSTRUCTIONS REGARDING GROUPING AND NUMBERING DOCUMENTS

It is requested that the documents submitted be grouped according to the individual paragraph of the subpoena section to which they are responsive and, within each such group, the documents should be arranged, as much as possible, in chronological order.

In order to facilitate the handling of the documents which will be received it would be appreciated if each of the documents would be numbered consecutively. It is suggested that in numbering the documents each page be numbered, except in those instances where the documents are bound together, when numbering only the first page is appropriate. This procedure, if followed, will preserve the identity of all the documents coming from the company, and also insure the accurate and expeditious return of these documents to the company.

If it is impossible for you to search your files and provide the documents described below, you may designate an appropriate person to act for you in this regard. Should any questions arise concerning this subpoena, please contact Susan B. Cyphert (202-724-6667) or Nancy Luque (202-724-6452) at the following address:

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

#### DOCUMENTS TO BE PRODUCED

1. All documents which relate or refer, in any way, to Electra and/or the Electra electric system.
2. All documents which relate or refer, in any way, to Seymour and/or the Seymour electric municipal power and light system.
3. All documents which relate or refer, in any way, to the City of Brady, Texas.
4. All documents which relate or refer, in any way, to the City of Bowie, Texas.



5. All documents which relate or refer, in any way, to the May 4, 1976 disconnection including the subsequent reconnection of the WTU and TU systems.

6. All documents which relate or refer, in any way, to rural electric cooperatives located in Texas and/or Oklahoma.

# United States of America

## NUCLEAR REGULATORY COMMISSION

In the matter of:

HOUSTON LIGHTING AND POWER  
COMPANY, et al. (South Texas  
Project, Units 1 and 2)

TEXAS UTILITIES GENERATING COMPANY  
(Comanche Peak Steam Electric  
Station, Units 1 and 2)

DOCKET NO. 50-498A  
50-499A  
  
50-445A  
50-446A

TO

J. S. Farrington  
President  
Dallas Power & Light Company  
1506 Commerce Street  
Dallas, Texas

YOU ARE HEREBY COMMANDED to appear in the Office of the Attorney General  
of the United States, at Room ...806...1100...Commerce...Street.....

.....  
in the city of... Dallas, Texas  
on the... 9th ...day of... January ...19... 80 ...at... 9:00 ...o'clock A. M.  
to testify on behalf of.....

in the above action entitled action and bring with you the document(s) or object(s)  
described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY \_\_\_\_\_

Susan B. Cyphert  
Nancy Luque

Attorney for Antitrust Division  
United States Department of Justice  
Washington, D.C.  
Telephone... (202) 724-6667  
... (202) 724-7482

90024133

10 C.F.R. 2.720 (d)

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 sub-  
poena is directed, and on notice to the party at  
whose instance the subpoena was issued, the

presiding officer, if he is available, the  
Commission may (1) quash or modify the sub-  
poena if it is unreasonable or requires evidence  
not relevant to any matter in issue, or (2) con-  
ditional denial of the motion on just and reasonable  
terms.

## SCHEDULE

### I.

#### DEFINITIONS

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2. "Interconnection" means a transmission line joining two or more power systems through which power produced by one can be the other.
3. "Wheeling" means the transportation of electricity by a utility over its lines for another utility; also includes the receipt from and delivery to another system of like amounts but not necessarily the same energy.
4. "Economy Power" means energy produced and supplied from a more economical source, substituted for energy that could have been produced by a less economical source.
5. "WTU" means West Texas Utilities Company.
6. "TP&L" means Texas Power & Light Company.
7. "Brazos" means Brazos Electric Power Cooperative, Inc.
8. "TPUC" means The Public Utility Commission of Texas.
9. "TMPA" means The Texas Municipal Power Agency.
10. "ERCOT" means Electric Reliability Council of Texas.

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11. "DP&L" means Dallas Power & Light Company.
12. "TESCO" means Texas Electric Service Company.
13. "TU" means Texas Utilities Company.
14. "HL&P" means Houston Lighting & Power Company.
15. "CPS" means City Public Service Board of San Antonio.
16. "Austin" means City of Austin.
17. "CP&L" means Central Power & Light Company.
18. "LCRA" means Lower Colorado River Authority.

## II.

### CLAIM OF PRIVILEGE

If any document is withheld under claim of privilege, furnish a list which identifies each document for which privilege is claimed and which includes the following information for each such document: date, subject matter, sender, recipient, persons to whom copies were furnished together with their job titles, the basis on which privilege is claimed, and the paragraph of this subpoena to which such documents responds.

## III.

### INSTRUCTIONS REGARDING GROUPING AND NUMBERING DOCUMENTS

It is requested that the documents submitted be grouped according to the individual paragraph of the subpoena section to which they are responsive and, within each such group, the documents should be arranged, as much as possible, in chronological order.

In order to facilitate the handling of the documents which will be received it would be appreciated if each of the documents would be numbered consecutively. It is suggested that in numbering the documents each page be numbered, except in those instances where the documents are bound together, when numbering only the first page is appropriate. This procedure, if followed, will preserve the identity of all the documents coming from the company, and also insure the accurate and expeditious return of these documents to the company.

Should any questions arise concerning this subpoena, please contact Susan B. Cyphert (202-724-6472 or 724-6361) or Nancy Luque (202-724-7482) at the following address:

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

#### IV.

#### DOCUMENTS TO BE PRODUCED

1. All documents which relate or refer, in any way, to:
  - (a) Garland Power & Light and the City of Garland;
  - (b) Communications conducted between Garland Power & Light and the City of Garland and DP&L from 1965 to the present.
2. All documents which relate or refer, in any way, to:
  - (a) Any offer by DP&L to purchase any municipal or cooperative electric system;
  - (b) Any attempt to serve prospective or existing customers that are or could be located within the TPUC designated electric service areas that are certified to DP&L and/or another electric utility or electric power distributor.

3. All documents which relate or refer, in any way, to requests by any electric utility to participate in a lignite power plant project.
4. All documents which relate or refer, in any way, to:
  - (a) DP&L's fuel contracts;
  - (b) DP&L's lignite leases and holdings.
5. All documents which relate or refer, in any way, to:
  - (a) Brazos' participation in the Comanche Peak project;
  - (b) Brazos' San Miguel project;
  - (c) Brazos' transmission system that is presently being built from San Miguel to the Brazos load center.
6. All documents which relate or refer, in any way, to the wheeling of power by any ERCOT member.
7. All documents which relate or refer, in any way, to economy power transactions between the various members of ERCOT.
8. All documents which relate or refer, in any way, to any attempts to serve prospective or existing customers that are or could be located within the TPUC designated electric service areas that are certified to DP&L and/or another electric utility or electric power distributor.
9. All documents which relate or refer, in any way, to any changes in DP&L, TP&L, TESCO, and TU's operations now that they are building generating units which are remote from load centers.
10. All documents which relate or refer, in any way, to the opening of interconnections with HL&P, CPS, WTU, CP&L, LCRA, and Austin on May 4, 1976.
11. All documents which relate or refer, in any way, to the closing of interconnections with HL&P following the May 4, 1976, disconnection from HL&P.

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12. All documents which relate or refer, in any way, to ownership shares of the Martin Lake lignite generation plant between or among DP&L, TP&L, and TESCO.

13. All documents which relate or refer, in any way, to ownership shares of the Monticello lignite generation plant between or among DP&L, TP&L, and TESCO.

14. All documents which relate or refer, in any way, to ownership shares of the Big Brown lignite generation plant between or among DP&L, TP&L, and TESCO.

# United States of America

## NUCLEAR REGULATORY COMMISSION

In the matter of:

HOUSTON LIGHTING AND POWER  
COMPANY, et al. (South Texas  
Project, Units 1 and 2)

TEXAS UTILITIES GENERATING COMPANY  
(Comanche Peak Steam Electric  
Station, Units 1 and 2)

DOCKET NO. 50-498A  
50-499A  
  
50-445A  
50-446A

TO

James E. Monahan  
Executive Vice President and  
General Manager  
Brazos Electric Power Cooperative, Inc.  
P.O. Box 6296  
Waco, Texas 76706

YOU ARE HEREBY COMMANDED to appear

at Room 300 800 Franklin

in the city of Waco, Texas

on the 18th day of January 1980 at 9:30 o'clock A.M.  
to testify

in the above entitled action and bring with you the document(s) or object(s)  
described in the attached schedule.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD

BY

Susan B. Cyphert  
David A. Dopsovic

Attorney for Antitrust Division  
United States Department of Justice  
Washington, D.C. 20530  
Telephone (202) 724-6667  
(202) 724-7937

....., 19.....

90024139

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 sub-  
poena is directed, and on notice to the party at  
whose instance the subpoena was issued, the

presiding officer or, if he is unavailable, the  
Commission may (1) quash or modify the sub-  
poena if it is unreasonable or requires evidence  
not relevant to any matter in issue, or (2) con-  
dition denial of the motion on just and reasonable  
terms.

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2. "Brazos" means Brazos Electric Power Cooperative, Inc.

### II.

#### CLAIM OF PRIVILEGE

If any document is withheld under claim of privilege, furnished a list which identifies each document for which privilege is claimed and which includes the following information for each document: date, subject matter, sender, recipient, persons to whom copies were furnished together with their job titles, the basis of which privilege is claimed, and paragraph(s) of this subpoena to which such documents respond.

### III.

#### INSTRUCTIONS REGARDING GROUPING AND NUMBERING DOCUMENTS

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Should any questions arise concerning this subpoena, please contact Susan B. Cyphert (202-724-6667), or Frederick H. Parmenter (202-724-6452) at the following address:

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

DOCUMENTS TO BE PRODUCED

1. All documents which relate or refer, in any way, to the State of Texas, Ex Rel., Southwestern Electric Power Company vs. Upshur Rural Electric Cooperative Corporation (no. 134,707) filed in the District Court of Travis County, Texas, on November 20, 1963.

2. The minutes of the Brazos Board meetings for the following dates:

- (a) June 6, 1962
- (b) August 15, 1962
- (c) June 5, 1963
- (d) September 4, 1963
- (e) October 9, 1963
- (f) November 6, 1963
- (g) January 8, 1964
- (h) February 5, 1964
- (i) March 4, 1964
- (j) June 3, 1964
- (k) July 8, 1964
- (l) August 5, 1964
- (m) September 2, 1964

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