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DATE: 7/29/93

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FROM: Paul Merrell

MATTER/MATTER NO.: Nevada Power v. Monsanto, et al., #11927.2

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July 29, 1993

VIA TELECOPY

Paul E. Merrell, Esq.
Bradley & Merrell
c/o Jones, Jones, Close & Brown
700 Bank of America Plaza
300 South Fourth Street, 7th Floor
Las Vegas, Nevada 89101-6026

Re: Nevada Power Company v. Monsanto Company, et al.,
Case No. CV-S-89-555-LDG-LRL

Dear Paul:

I have enclosed a proposed draft Stipulation and Order on the expert deposition schedule.

We are not proposing a stay of expert depositions but rather postponing their commencement for a few weeks to allow all parties to complete the remaining twenty or so fact depositions identified in parts A and B of the Stipulation tendered to the Court on July 23, 1993.

Counsel for all three defendants have agreed to this proposal. However, counsel for Westinghouse are still awaiting word from their client to confirm. As soon as I hear from them, I will let you know.

Sincerely,



David C. Kiernan

DCK/sp

cc: Arvin Maskin, Esq. (via telecopy)
Bruce A. Featherstone, Esq. (via telecopy)
J. Bruce Alverson, Esq. (via telecopy)
John L. Thorndal, Esq. (via telecopy)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADANEVADA POWER COMPANY, a Nevada
Corporation,

Plaintiff,

v.

MONSANTO COMPANY, a foreign cor-
poration; GENERAL ELECTRIC COMPANY,
a foreign corporation; WESTING-
HOUSE ELECTRIC CORPORATION, a
a foreign corporation; and DOES I
through XXV, inclusive,

Defendants.

CV-S-89-555-LDG-LRL

STIPULATED ORDER RE
EXPERT DEPOSITIONS**DRAFT**STIPULATION AND ORDER

All parties to this action, through undersigned counsel, agree and stipulate to the following modifications in the Court's April 8, 1993 Scheduling Order and Litigation Plan.

The parties propose modifying that Order as follows:

1. Paragraph 6 of the April 8, 1993 Scheduling Order is modified to provide that Plaintiff shall provide Rule 26(b)(4) disclosure of its experts and their anticipated testimony by August 27, 1993. Defendants may depose Plaintiff's experts from August 27, 1993 through October 1, 1993.

2. Paragraph 7 of the April 8, 1993 Scheduling Order is modified to provide that Defendants shall provide Rule 26(b)(4) disclosures of their experts and their anticipated testimony by October 8, 1993. Plaintiff may depose Defendants' experts from October 8, 1993 through November 5, 1993.

3. Paragraph 8 of the April 8, 1993 Scheduling Order is modified to provide that discovery will close on November 5,

1993.

Dated: July __, 1993

BRADLEY & MERRELL

DRAFT

By:

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Attorneys for Plaintiff NEVADA POWER
COMPANY

Dated: July __, 1993

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Attorneys for Defendant GENERAL
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Dated: July __, 1993

THORNDAL, BACKUS, MAUPIN & ARMSTRONG

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Attorneys for Defendants MONSANTO
COMPANY and WESTINGHOUSE ELECTRIC
CORPORATION

IT IS SO ORDERED

DRAFT

Dated: _____, 1993

Magistrate Judge
United States District Court

DRAFT

Nevada Power v. Monsanto Co., et al.
Case No. CV-D-89-555-LDG-LRL

PRETRIAL EXPERT WITNESS STATEMENT
FOR PLAINTIFF NEVADA POWER

Steven Andersen, Ph. D.
Economic & Policy Analysis, Inc.
13300 Council Bluff Dr.
Austin, Texas 78727

SUMMARY OF TESTIMONY

Dr. Andersen is an economist, independent consultant, and principal of Economic & Policy Analysis, Inc. He is currently evaluating Nevada Power Company's damage calculations. Dr. Andersen's former positions include Chief Economist with the Office of Public Utility Counsel in Austin, Texas, Chief Economist with the Office of Public Counsel in Jefferson City, and Professor of Economics for the State University College, Oswego, New York.

Based on his training, education and experience, Dr. Andersen has developed expertise in the following areas:

- 1) Public Regulation
- 2) Industrial Organization
- 3) Econometrics
- 4) Utility Rate valuation
- 5) Utility Property Valuation
- 6) The economics of local government services
- 7) Damage quantification for utilities
- 8) Capitol costs

Dr. Andersen is presented as an expert on Nevada Power's measure of damages. During trial, Dr. Andersen will testify that Nevada Power has suffered financial loss from the removal of equipment because it contained PCBs, that it will continue to suffer such loss as equipment containing PCBs is removed in the future, and that the replacement value of this equipment is the proper measure of damages. His testimony may also include consideration of the useful life and salvage value of utility equipment. He may also be called on as needed to define and explain technical terminology relating to economics of utilities.

In evaluating Nevada Power Company's damages calculations and in developing his opinions regarding those calculations, Dr. Andersen relied on the following:

- 1) Prior Resesarch and Publications he has conducted;
- 2) Research and publications by his peers;
- 3) Damages documentation and supporting materials provided by Nevada Power;
- 4) Discussions with persons employed by Nevada Power;
- 5) Documents provided to Nevada Power by the defendants during discovery.

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