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JOHN ARNOT WILSON
COUNSEL

October 12, 1989

Peggy A. Leen, Esq.
P.O. Drawer 2070
Las Vegas, NV 89125-2070

Re: Nevada Power Co. v. Monsanto Co., et al.

Dear Peggy:

I am writing to confirm our conversations on October 11 and 12 concerning the defendants' subpoena to EPRI. We agreed to postpone the time for EPRI to respond to the deposition notice and subpoena noticed for Tuesday, October 17 until a mutually convenient time after Wednesday, October 25, 1989. I also informed you that in addition to producing documents and a witness, EPRI would file an objection.

In the meantime, EPRI will search its files to produce documents responsive to your requests. Pursuant to our discussions, EPRI will produce documents from 1985 and earlier. EPRI anticipates being able to produce documents responsive to requests 6 and 7 as well as publications by EPRI concerning hazards of PCBs. To the extent it is easily available, EPRI will produce copies of correspondence it had with Nevada Power. EPRI did not, however, segregate its files to reflect correspondence with any particular member. EPRI does not have the resources at this time to review all employees files for copies of possible correspondence with Nevada Power.

EPRI began giving PCB seminars in 1981. They were held at two year intervals. EPRI will produce copies of its seminar materials for 1981, 1983 and 1985. Attendance lists for 1981 no longer exist. A quick review of the attendance lists for 1983 and 1985 do not indicate that anyone from Nevada Power was present. We will produce them anyway.

I have enclosed a copy of an EPRI summary of published material on PCBs (EPRI 1-2). Please let me know which, if any, of these materials you would like copied in response to your subpoena.

I expect to call you on Friday, October 20 to schedule a time for you to review responsive documents.

As we discussed, the defendants will reimburse EPRI for actual photocopy expenses incurred in responding to this subpoena. In the alternative, where additional volumes are available at a purchase price below the cost of reproduction, EPRI will endeavor to provide

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alternative, where additional volumes are available at a purchase price below the cost of reproduction, EPRI will endeavor to provide the defendants with duplicate original publications at their market price.

If this letter differs from your understanding of our agreement to respond to the defendants' subpoena, please let me know at once. We look forward to providing our full cooperation in responding to your documents requests within your expedited discovery schedule.

Please call me if you have any questions.

Very truly yours,

Victoria E. Brieant
Victoria E. Brieant

Enc.

cc: Bruce A. Featherstone, Esq.
Charles MacRae, Esq. ✓