

7/07/85

Florida Power & Light Company)
(St. Lucie Unit No. 1))

Docket No. 50-389A

COMMENTS OF FLORIDA CITIES
CONCERNING NOTICE OF WITHDRAWAL OF INTERVENTION
BY ORLANDO UTILITIES

Orlando has filed a "Notice of Withdrawal of Intervention" in this docket.

Florida Cities believe that as a procedural matter, a motion would be necessary for Orlando to withdraw. In that manner, the Board can assure that settlements are in fact in the "public interest" (see Regulations, Section 2.759) and can deal with ancilliary matters relating to approval of the settlement. However, settlements are encouraged and Florida Cities have no objection to approval of the Orlando-FP&L settlement. Both parties have reached agreement and no public interest would be served by refusing to implement it.

So that their position is clear, Florida Cities would add, however, that to the extent Orlando receives rights, the public interest would require that other intervening cities be given similar opportunities and, further, that they have an opportunity to obtain better terms than granted by the Orlando settlement, as may be necessary in the "public interest". Section 105(c)(6) of the Atomic Energy Act, 42 U.S.C. §2135(c)(6) provides that where a "situation inconsistent" is found, license conditions may attach in the "public interest". Further, both the antitrust

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