



settlement or to the contemplated transfer of St. Lucie 2 capacity.

On July 7, 1980, Florida Cities filed "Comments of Florida Cities Concerning Notice of Withdrawal of Intervention By Orlando Utilities" in this docket. They stated that the effect of the transfer would be anticompetitive and discriminatory unless they were to receive rights to entitlements similar to those agreed to by FP&L for Orlando under reasonable terms and conditions. As they note below, however, additional license conditions would be necessary to cure any "situation inconsistent". To avoid any potential future misunderstanding, they reiterate their position that it would be anticompetitive for them not to receive meaningful entitlements similar to those allowed Orlando. These matters are in issue in this docket and need not be heard separately. 1/ For convenience, Florida Cities' July 7 comments are attached and incorporated.

While Florida Cities do not object to the transfer since there has been a settlement satisfactory to the parties, they note that the settlement has not been presented to the NRC for approval, as such. As applied to the Cities, there is no basis for finding that the settlement cures the "situation inconsistent" raised in this docket. Indeed, Florida Cities are prepared to show by evidence and argument both that the grant of

1/ While the Board may desire to await further reporting on Government-FP&L settlement efforts before establishing procedures to resolve this issue, Florida Cities seek a show cause proceeding in Docket No. 50-389A as to why they are not entitled to equivalent rights to address this important issue.



an unconditioned license to FP&L "will create or maintain a situation inconsistent with the antitrust laws" and that the terms of the settlement agreed to with Orlando, as they understand them, would not be sufficient to cure such "situation inconsistent".

Respectfully submitted,

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