

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Florida Power & Light Company)
(St. Lucie Unit No. 2)) Docket No. 50-389A

COMMENTS OF FLORIDA CITIES
RELATING TO
ADVICE LETTER CONCERNING FP&L-ORLANDO SETTLEMENT

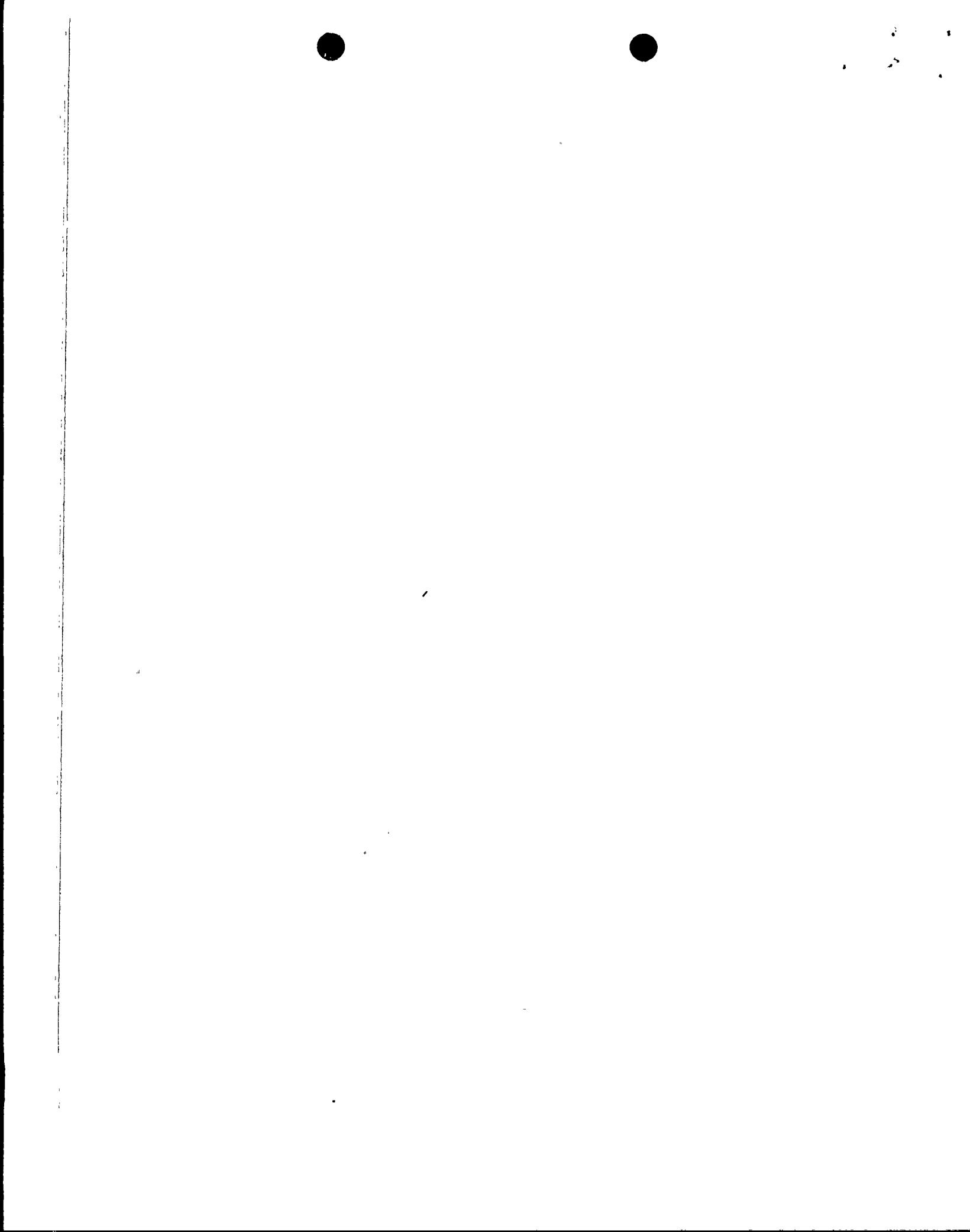
These comments are filed on behalf of Florida Cities 1/, who are each intervenors in this docket.

By Federal Register Notice published August 11, 1980 (45 F.R. 53285), the Commission noticed a proposed ownership transfer in St. Lucie Unit No. 2 of 6.08951% from Florida Power & Light Company ("FP&L") to the Orlando Utilities Commission ("Orlando").

Like Florida Cities, Orlando is an intervenor in this docket. Orlando has reached a settlement satisfactory to it. Florida Power & Light Company and Orlando desire to implement the settlement. Florida Cities do not object to approval of the

1/ Florida Cities include the Fort Pierce Utilities Authority of the City of Fort Pierce, Lake Worth Utilities Authority, New Smyrna Beach Utilities Commission, Sebring Utilities Commission and the Cities of Alachua, Bartow, Fort Meade, Gainesville, Key West, Lake Helen, Mount Dora, Newberry, St. Cloud, and Tallahassee, Florida and the Florida Municipal Utilities Association ("FMUA"). The Fort Pierce Utilities Authority has reached a settlement in principle with FP&L and therefore takes no position with regard to this particular pleading.

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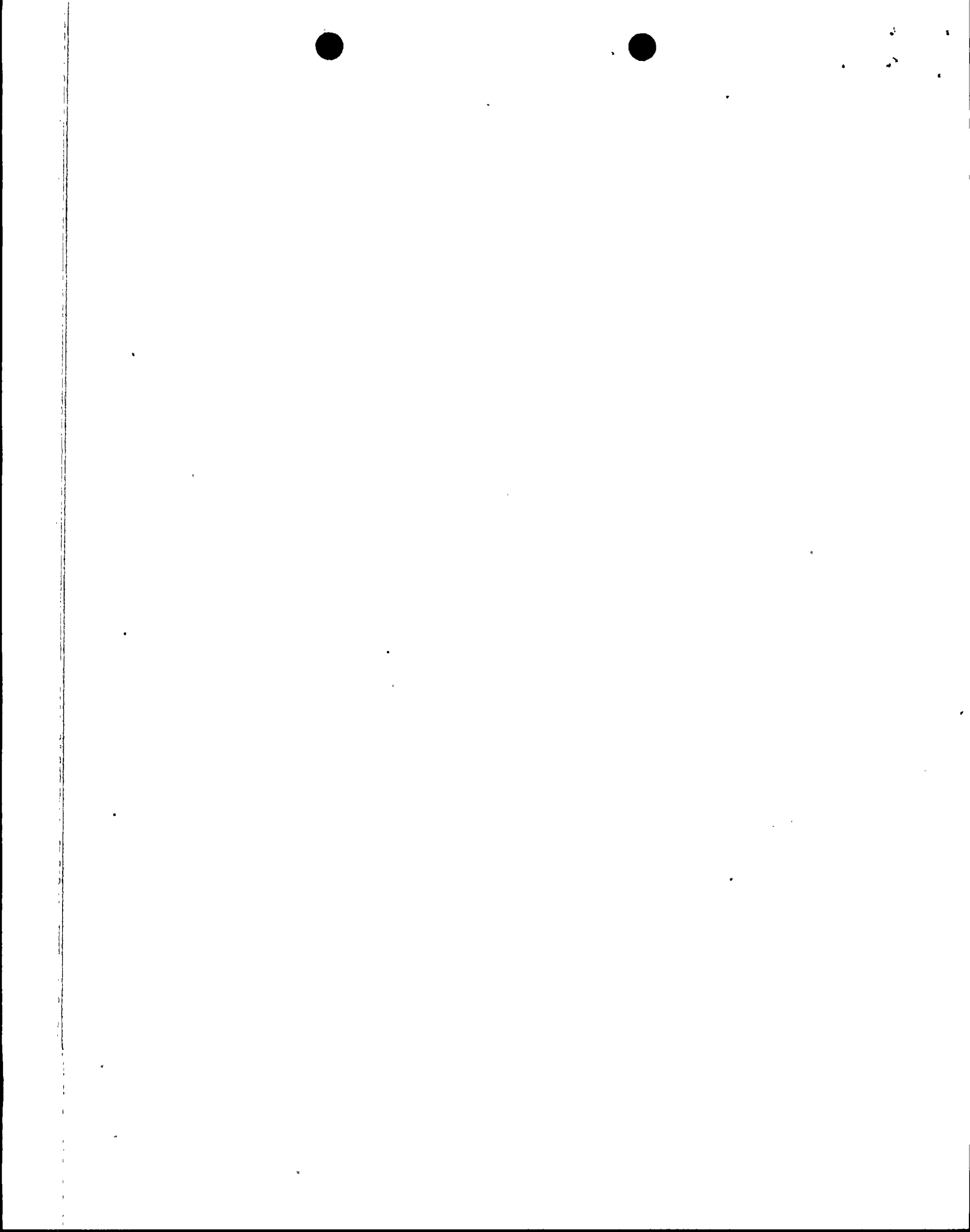


settlement or to the contemplated transfer of St. Lucie 2 capacity.

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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