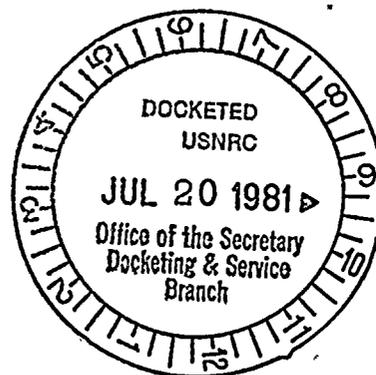


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of:

FLORIDA POWER & LIGHT COMPANY  
(St. Lucie Plant, Unit No. 2)

Docket No. 50-389A



PETITION FOR LEAVE TO INTERVENE

I. Metropolitan Dade County, Florida ("Dade County")

hereby petitions to intervene in this construction licensing proceeding, subject to the conditions described below. Dade County's basis for intervention in this proceeding is at this time limited to its interest in protecting its rights relating to a solid waste resource recovery project, pursuant to contracts between Dade County and Resources Recovery (Dade County), Inc. ("RRD") and related companies and a related agreement between Dade County and Florida Power & Light Company ("FPL").

On April 24, 1981, RRD filed a petition for leave to intervene in this proceeding. Because of the nature of Dade County's interest in this proceeding, it seeks intervention only if the Commission permits RRD or any related company to intervene in this proceeding.

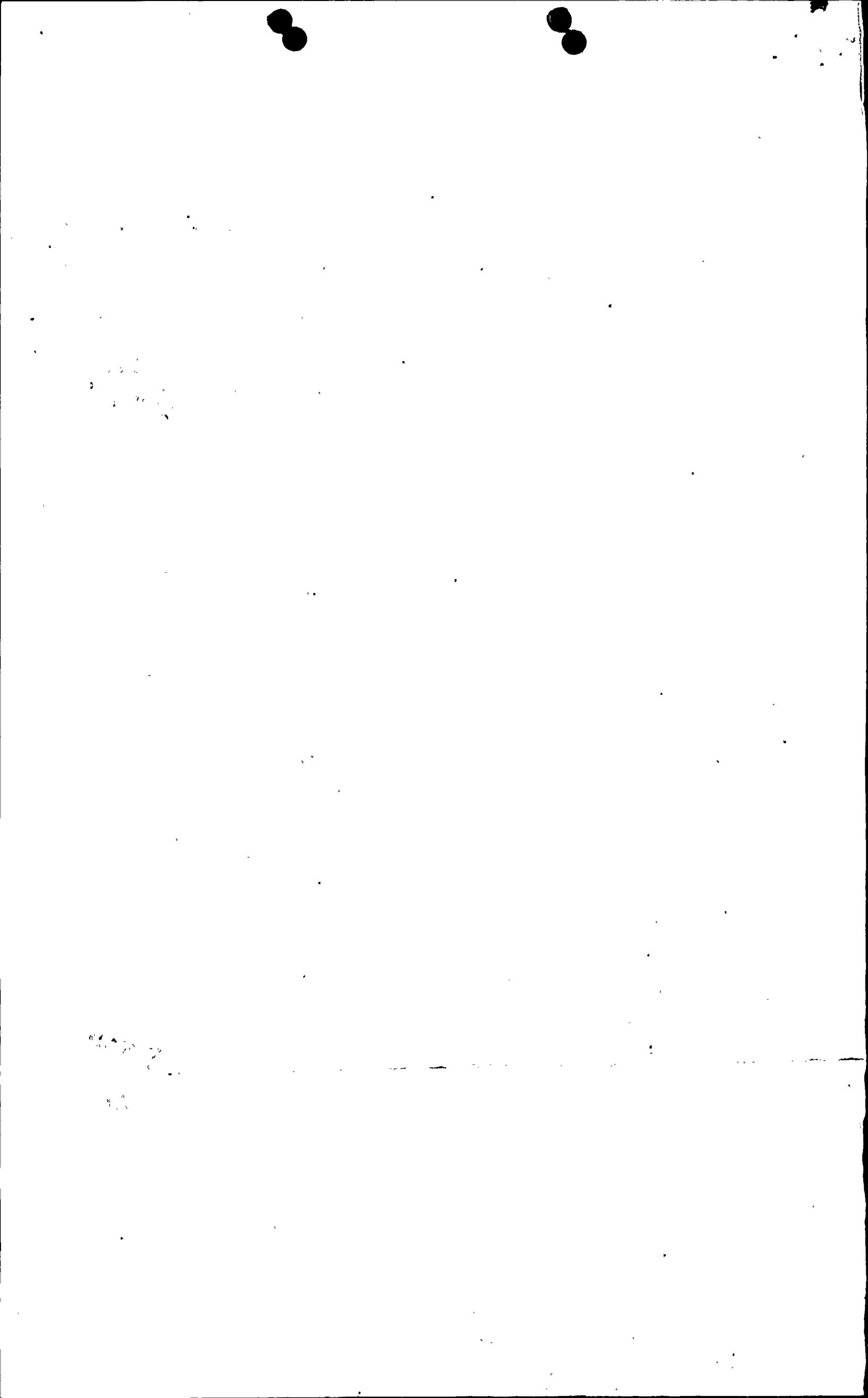
II. This Petition is filed by Metropolitan Dade County, Florida.

III. All correspondence and communications regarding this Petition should be addressed to:

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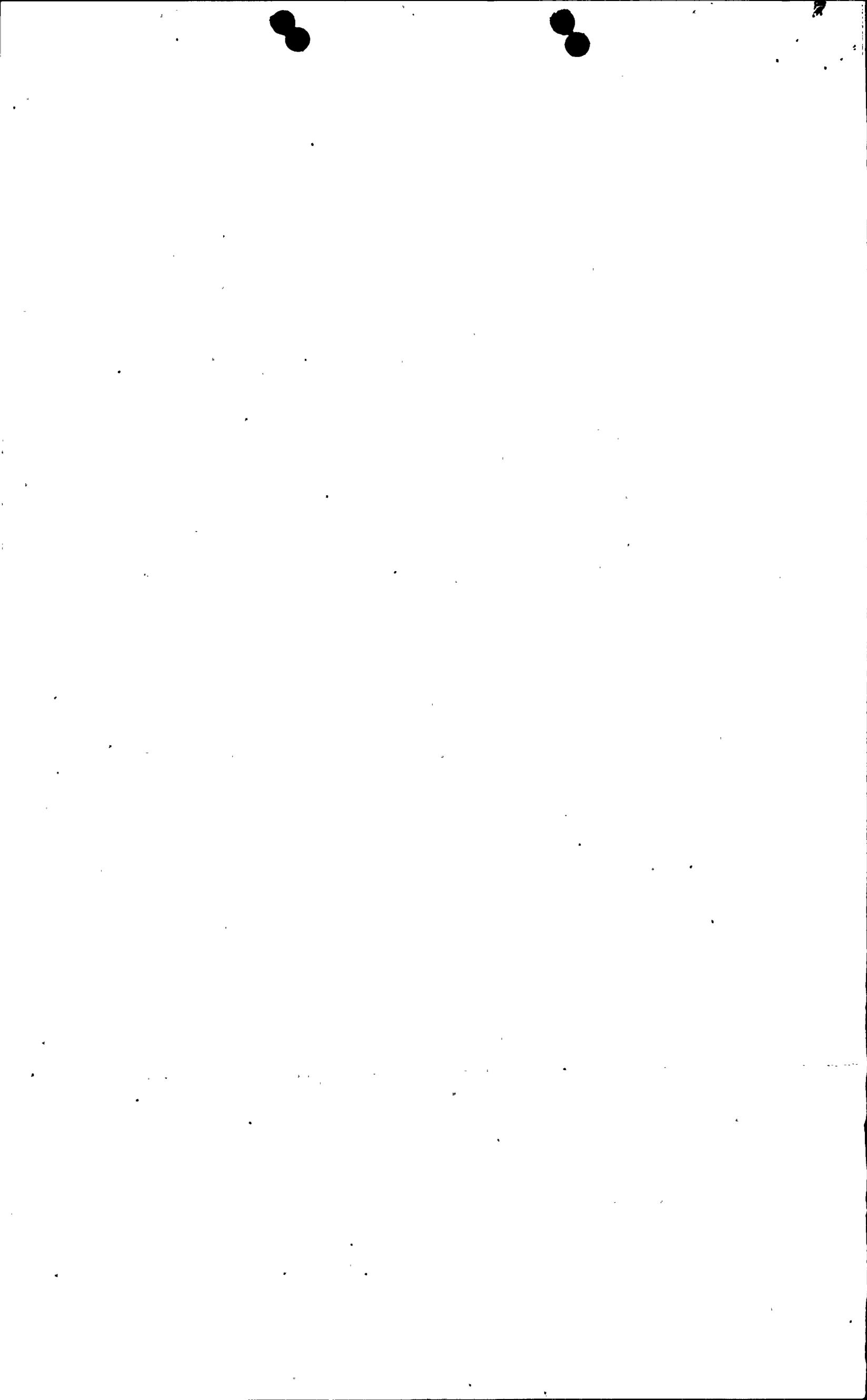
## BACKGROUND

On September 28, 1976, Dade County and Resources Recovery (Dade County), Inc. ("RRD"), entered into a purchase contract and a management and operations contract pursuant to which RRD agreed to construct for sale to Dade County and to operate and manage over a 20-year period, respectively, a solid waste processing and resource recovery facility. The facility was to be comprised of equipment capable of processing solid waste into fuel and of burning this fuel in boilers to produce steam. A related part of the facility was to consist of two steam-turbine generators with a combined capacity of 76 megawatts and related transmission facilities. When the subject facilities were substantially complete and other contractual requirements had been fulfilled by RRD, RRD was to be compensated pursuant to the terms of an Escrow Agreement at which time RRD was to transfer title to the facility to Dade County.

In November, 1977, Dade County entered into a contract with FPL providing that Dade County would sell and FPL would buy the referenced electrical generation facilities and the steam produced by the resource recovery facility's boilers. Dade County's obligations under this agreement were assumed in the main by RRD and a related company by separate agreement between Dade County and RRD. FPL would operate the electrical generation facilities to produce electricity using the steam produced in the solid waste facility being operated by RRD and related companies.

In 1980 a dispute arose regarding performance under these contracts by RRD and its related companies. At present, RRD and Dade County are involved in arbitration before the American Arbitration Association concerning this dispute.

On March 13, 1981, Resources Recovery (Dade County), Inc. (RRD) filed a "Notice of Qualification of Small Power Production Facility" pursuant to Section 292.207(a) of the



Federal Energy Regulatory Commission's ("FERC") Rules. In its Notice, RRD stated that it owns and operates a small power production facility in Dade County, Florida. On May 6, 1981, FPL filed a "Protest, Petition for Declaratory Order, and Petition to Intervene" in this proceeding. On July 9, 1981, Dade County filed a Petition to Intervene in these FERC proceeding. At this time FERC has not acted on these petitions. Because of the pendency of the arbitration proceeding, Dade County at this time expresses no position as to whether or not the facility is a qualifying facility.

In view of the referenced contractual dispute between Dade County and RRD and its related companies, and the resultant uncertainty as to whether the facility is or will be a qualifying facility under the FERC rules, and since the outcome of this proceeding may affect the rights and opportunities afforded Dade County with regard to the subject facility, Dade County seeks leave to intervene in this proceeding, if RRD's intervention petition is granted.

#### IV. The Grounds for Intervention

Resolution of the referenced contractual dispute and the outcome of the FERC's proceeding may result in the facility's being determined to be a qualifying facility. If so determined, electricity produced at this facility might be offered for sale to FPL or to other electric utilities. If the utilities to which this power is to be sold are not directly interconnected with the facility, FPL may be required to furnish transmission services if the power is to reach these utilities. As discussed in RRD's petition for leave to intervene, without access to FPL's transmission facilities, power from the facility may be prevented from being sold to willing buyers. Without access to such buyers, as discussed below, the facility may be prevented from receiving the revenues necessary to cover its operating and maintenance costs and its debt service.

V. Interest of the Petitioner in this Proceeding

The subject facility is intended to help dispose of Dade County's solid waste, and to produce steam and ultimately electricity. In order for the facility to perform these functions, its owners must receive revenues sufficient to cover its operating and maintenance costs. One source of such revenues is the sale of electricity; clearly, the rate at which electricity generated by the facility can be sold will affect the viability of the project. If FERC holds that the facility is a "qualifying facility", then under FERC rules this rate will depend on the purchasing utility system's "avoided cost" (the incremental cost of the electricity which, but for the purchase from the qualifying facility, such utility would generate itself or purchase from another source). Because of the significant differences in these costs among various utilities, the revenues available to the facility's owner and thus the viability of the project may be greatly affected by the facility's access to transmission facilities required to deliver power from the facility to potential utility customers.

VI. Grounds for Non-Timely Intervention

As noted in RRD's petition for leave to intervene in this proceeding, the Commission's Rules for untimely petitions to intervene may be granted based upon a balancing of certain criteria. These are set forth in 10 C.F.R. Section 2.714(a)(1):

(i) Good cause for not filing on time: Dade County's interest in this proceeding is based on RRD's petition for leave to intervene. That petition was not filed until April 24, 1981; as a result, prior to that time, Dade County had no reason to seek intervention in this proceeding.

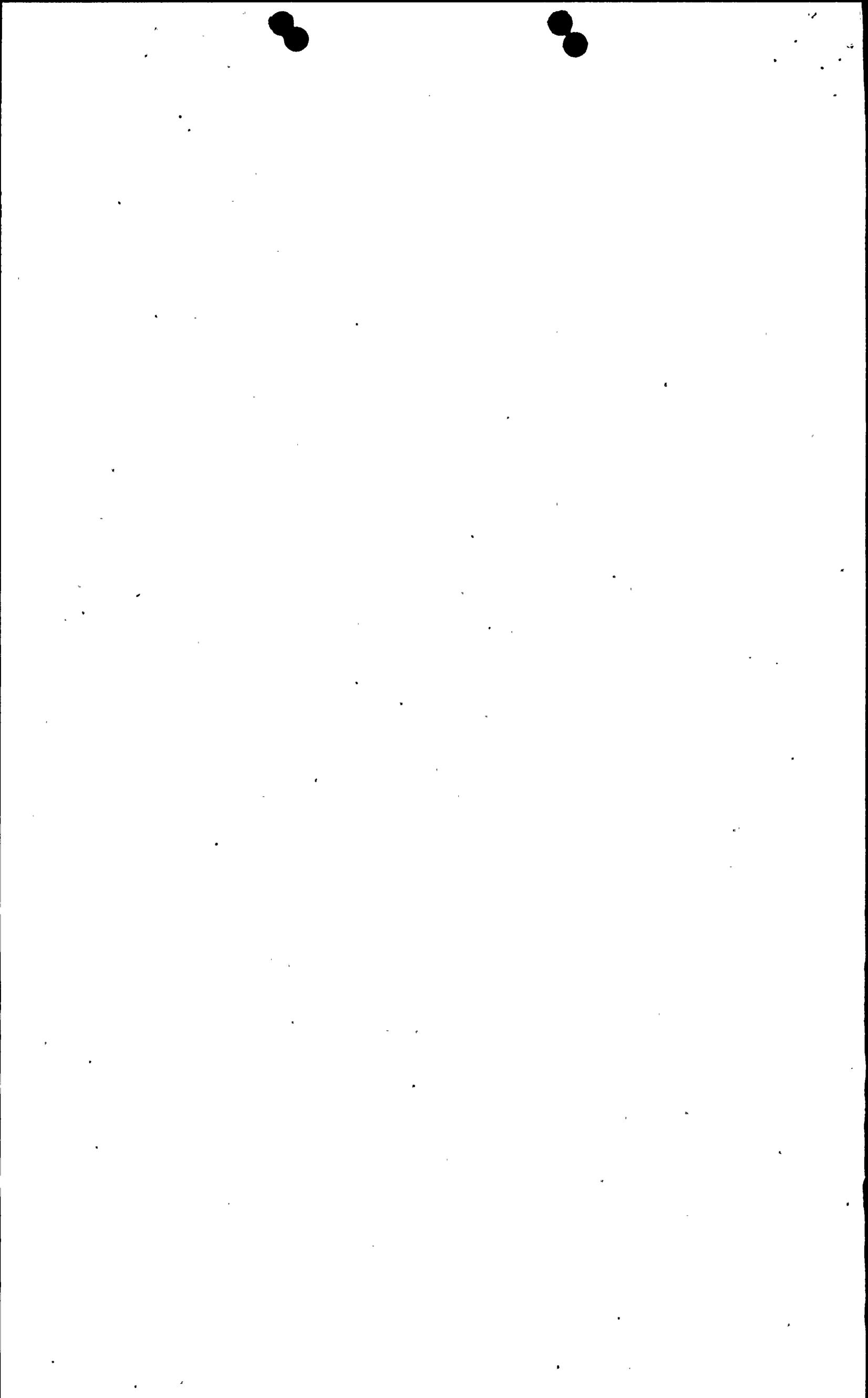
(ii) The availability, if any, of other means to protect the Petitioner's interests: This proceeding will establish certain requirements regarding access to FPL's transmission

system. Dade County is aware of no other pending proceedings in which these requirements are being established.

(iii) The extent to which Petitioner's Participation may reasonably be expected in developing a sound record: As discussed in RRD's petition for leave to intervene, Dade County's interest may differ substantially from those of other parties in this proceeding, including RRD. Dade County's participation is therefore necessary for the development of a complete record in this proceeding.

(iv) The extent to which Petitioner's interest will be represented by existing parties: As noted above, no other qualifying facilities have requested intervention in this proceeding, and Dade County's interests are not necessarily the same as RRD's or of those pertaining to any other qualifying facilities. Therefore, no other party will represent Dade County's interests in this proceeding.

(v) The extent to which Petitioner's participation will broaden the issues or delay the proceedings: Dade County's intervention will not broaden the issues or delay the proceeding. As stated above, its interest in this proceeding is conditioned upon the Commission's treatment of RRD's request for leave to intervene. If the Commission determines it appropriate to consider RRD's arguments, Dade County's version of such events will be a material factor in this proceeding. If these issues are already being considered, presentation of Dade County's interests will not delay or broaden the issues.



Based on the above, Dade County's petition for leave to  
intervene in this proceeding should be granted.

Respectfully submitted,

GREENBERG, TRAURIG, ASKEW,  
HOFFMAN, LIPOFF, QUENTEL &  
WOLFF, P.A.  
Special Counsel to Metropolitan  
Dade County, Florida

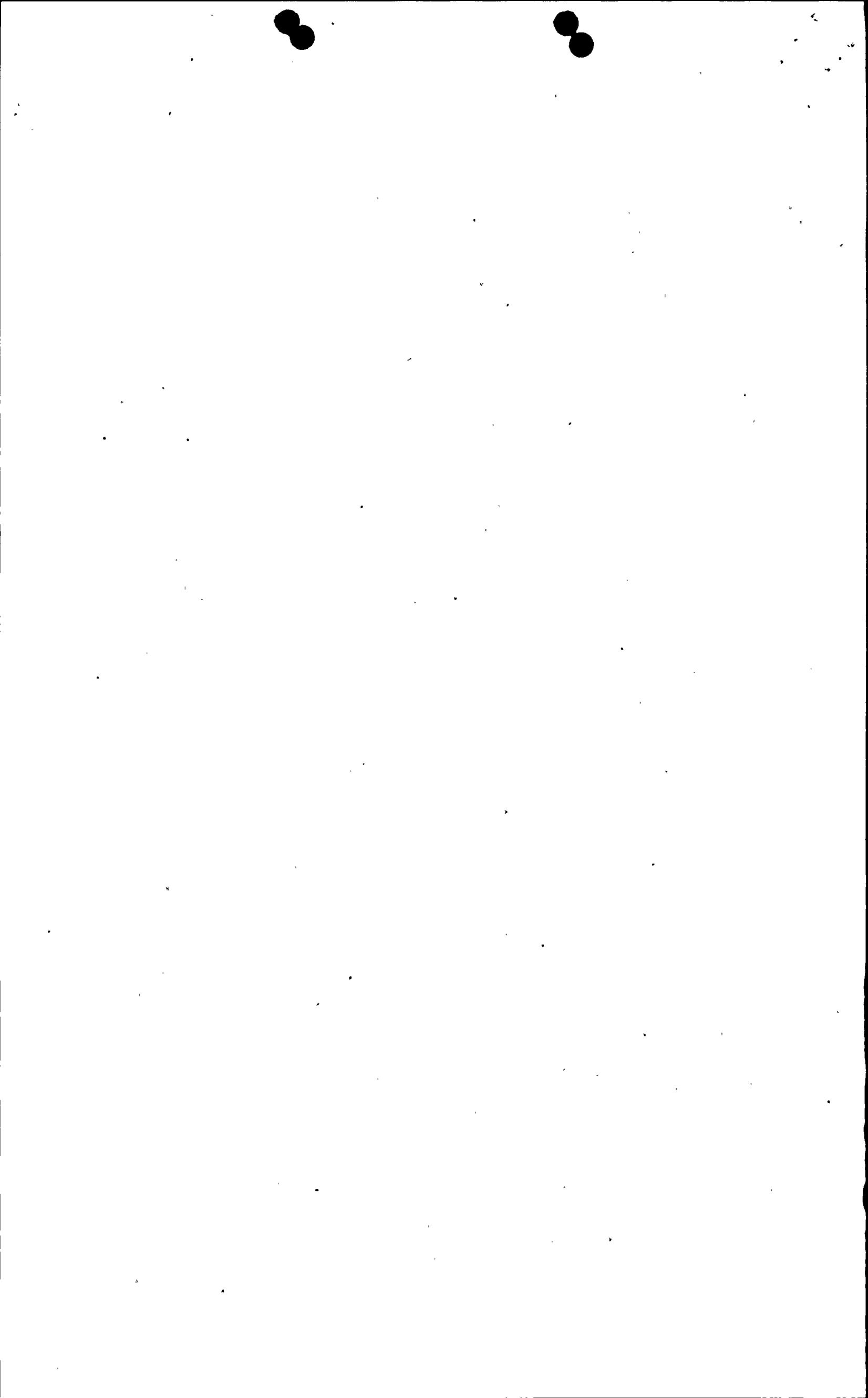
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By:

  
ROBERT R. NORDHAUS



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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the Petition to Intervene submitted by Dade County were served on the following persons via first class mail, postage prepaid, this 9<sup>th</sup> day of July, 1981:

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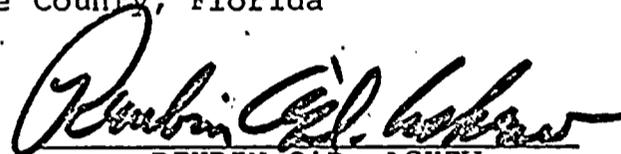
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