

Florida Power CORPORATION

POOR ORIGINAL

September 1, 1972

Mr. John F. O'Leary
Director - Directorate of Licensing
United States Atomic Energy Commission
Washington, D. C. 20545

Re: Crystal River No. 3 Nuclear Generating Unit -
Docket No. 50-302A - Antitrust Review

Dear Mr. O'Leary:

With regard to the above antitrust review by the Commission, it appears to us that it would now be appropriate for the Commission to deny the City of Gainesville's Conditional Request for a Hearing and Petition to Intervene.

On February 11, 1972, pursuant to Section 105c of the Atomic Energy Act, as amended, the Attorney General rendered his advice to the Commission that there would be no need for an anti-trust review hearing on this matter if the several commitments made by Florida Power Corporation regarding bulk power supply interconnections and coordination of reserves were incorporated in the operating license. The commitments are set forth in our letter of December 6, 1971 to the United States Department of Justice. A copy was attached to the Attorney General's advice to the Commission. A copy is enclosed herewith for your convenience.

In its Conditional Request for Hearing, the City of Gainesville only raised a question with regard to Commitment No. 3, pertaining to Florida Power's obligation to facilitate the exchange of bulk power by transmission over its system between or among other entities with which it is connected. Contrary to the City of Gainesville's contention, Florida Power is obligated under this condition to transmit bulk power for other entities, provided that such other entities give sufficient advance notice as may be required to accommodate the arrangement from a functional and technical standpoint and that the other entity will be obligated to compensate Florida Power fully for the use of its system.

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Mr. John F. O'Leary

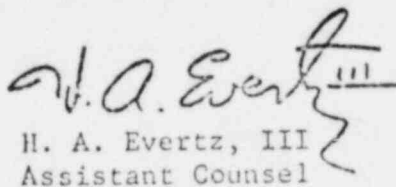
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The Commission Staff has taken the same position, as stated in the preceding paragraph, in its Answer to the City of Gainesville's Conditional Request for Hearing and Petition to Intervene. The Staff, therefore, requested that the Conditional Request for Hearing and Petition to Intervene be denied.

From the foregoing, the entire matter of the City of Gainesville's Conditional Request has been resolved and is now moot. Florida Power Corporation requests that the Commission administratively make a determination that the City of Gainesville's Conditional Request for Hearing and Petition to Intervene should be denied and enter its Order to that effect.

Very truly yours,


H. A. Evertz, III
Assistant Counsel

HAE:gc
Encl.

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