

NRC PUBLIC DOCUMENT ROOM  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of )  
FLORIDA POWER & LIGHT COMPANY )  
(St. Lucie Plant, Unit No. 2) )

NRC Docket No. 50-389A

10/31/78

FIRST JOINT REQUEST OF THE NRC REGULATORY  
STAFF UNITED STATES DEPARTMENT OF JUSTICE  
AND INTERVENORS FOR INTERROGATORIES AND FOR  
PRODUCTION OF DOCUMENTS BY APPLICANTS

Pursuant to Sections 2.740b and 2.741 of the Commission's Rules of Practice, the NRC Regulatory Staff, the United States Department of Justice and Intervenors "Cities" hereby file this first joint request for interrogatories and production of documents by Florida Power & Light Company, hereinafter Company. Each document produced in response to this request should be referenced with the number(s) of the relevant discovery request. In addition, each document should be numbered and a list should be prepared showing the particular paragraph(s) of this request to which each document is believed to be responsive.

Responses to interrogatories and document production herein requested shall be made pursuant to Sections 2.740b and 2.741 of the Commission's Rules of Practice and served upon the NRC Regulatory Staff at the Office of Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; upon the United States Department of Justice at the offices of the Antitrust Division, Energy Section, 414 11th Street N.W. Washington, D.C. 20530; upon the Intervenor

"Cities" at the Law Offices of Spiegel and McDiarmid, 2600  
Virginia Avenue, N.W., Washington, D.C. 20037, Attn:  
Robert A. Jablon, Esq.; and at the offices of R. W. Beck and  
Associates, 1510 E. Colonial Drive, Orlanda, Florida  
32803, Attn: Robert E. Bathen.

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Dated at Washington, D.C.  
this 31st day of October, 1978.

Part A. Definitions

1. "Company" or "FP&L" means the Florida Power & Light Company, its subsidiaries, affiliates, or predecessor companies and any entities providing electric service at wholesale or retail, the properties or assets of which have been acquired by FP&L.

2. "Electric utility" shall mean a private or public corporation, cooperative, rural electric cooperative, municipality, joint stock association, or any political subdivision, agency or instrumentality of the federal, state, or municipal government, or a lawful association of any of the foregoing which owns, controls, or operates, or proposes to own, control, or operate facilities for the generation, transmission or distribution of electricity.

3. "Coordination" shall refer to firm power sales, (including partial requirements sales to supplement other power supply resources), reserve sharing, spinning reserve sharing, economic dispatch or economy interchange, staggered additions of generating or transmission facilities, emergency and maintenance power interchange, joint maintenance scheduling, transmission service, connections or interconnections, short term power interchange, diversity interchange, pooling, or sales, purchases or exchange of any form of wholesale power among utilities. "Coordination" and "coordinating" shall also include joint ventures in the sharing of, or participation in, the ownership, operation, or output of generating facilities and

the sharing of ownership, construction, or use of transmission facilities.

4. "Integrated Operation" shall refer to the operation of an electric utility system in which all or some of the major electric facilities (large generators and high voltage transmission lines) are interconnected and operate such that the performance of any one facility will affect other facilities.

5. "Documents" mean all writings and records of every type in the possession, control or custody of Company, its directors, officers, employees, consultants, or agents, including but not limited to memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, computer printouts, vouchers, accounting statements, telegrams and telegraphic communications, engineering diagrams ("one-line" diagrams), mechanical and electrical recordings, records of telephone communications, speeches, and all other records, written, electrical, mechanical, or otherwise.

"Documents" shall also mean copies of documents, even though the originals thereof are not in the possession, custody or controls of Company, and every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy.

6. "Identify" when used with respect to documents, means that the type, author, recipient(s) of the original, recipient(s)

of copies, date, and subject of the document should be specified.

"Identify," when used herein with respect to any person means that the person's name, current business address, and current job title and employer should be specified.

"Identify" when used herein with reference to any corporation, association, cooperative, or other legal entity, means to state the name and current address of said organization or entity and if the current address is unknown, provide the last known address.

7. "FCG" shall mean the Florida Electric Power Coordinating Group (or Florida Coordinating Group).

8. "FOC" shall mean the Florida Operating Committee.

9. "FMUA" shall mean the Florida Municipal Utilities Association.

10. "SERC" shall mean the Southeastern Electric Reliability Council.

11. "FERC" shall mean the Federal Energy Regulatory Commission or any predecessor agency and the Department of Energy (DOE).

12. "FPC" shall mean the Federal Power Commission and any successor agency to include FERC and DOE.

13. The nuclear units referred to as the "South Dade Units" are those proposed Florida Power & Light nuclear units which are the subject of NRC antitrust proceeding P-636-A.

14. "Relating to" means relating to in any way and includes documents which are the subject of the request. (e.g. "relating to a contract" includes the contract itself.) Requests

concerning a subject or item should be understood to include possible or contemplated actions as to such subject or item. For example, requests for documents relating to interconnection plans would include documents relating to interconnection arrangements that have been considered but rejected.

Part B. Documents No Longer in Company's Possession, Custody or Control

If any document described in this section was, on or after December 19, 1970 (date of enactment of P.L. 91-560), but is no longer in Company's possession, or subject to Company's control, or in existence; state whether (a) it is missing or lost, (b) has been destroyed, (c) has been transferred, voluntarily, to others, or (d) has been otherwise disposed of. In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing same, and the date(s) of such direction or authorization. Identify each such document by listing its author and addressee, type (e.g., letter, memorandum, telegram, chart, photograph, etc.), date, subject matter, present locations(s) and custodian(s), and if the document (or copies) are still in existence.

Part C. Scope of Production

Each paragraph contained below, unless otherwise specified, refers to all documents made, sent, dated or received from January 1, 1965, to date, in Company's possession, custody or control. These interrogatories and document requests

are continuing and require supplemental answers and document production if further information or documents are obtained with respect to these interrogatories and document requests between the time your answers and documents are produced and the time of the evidentiary hearing.

Part D. Documents Withheld as Privileged

If any documents within the categories set out above are withheld by reason of any assertion of privilege, they shall be individually identified by description, identifying the persons preparing and receiving each, and a brief statement of the reasons which in your opinion justify the assertion of privilege as to each document. All documents for which privilege is claimed shall be submitted to the Licensing Board under seal no later than the last day of document production.

Part E. Interrogatories & Document Production

1. Furnish a copy of Company's certificate of incorporation, and by-laws and any amendments thereto.
2. Furnish copies of annual reports issued to stockholders by Company for the years 1955-1977 and 1978 when it becomes available.
3. Furnish copies of FERC Forms, 1, 12, 12E(1) and (2), 12F, 23A, and information supplied pursuant to FPC Docket R-362 on successor dockets or forms, for the years 1970-1977, and 1978 when available. For years prior to 1970 these documents shall be supplied by the Company where the parties are unable to obtain copies from FERC despite a

reasonable attempt to do so. Unless otherwise specified, the same procedures will be generally applicable to request for publically available documents prior to 1970 which are difficult to obtain.

4. Furnish copies of all prospectuses filed by Company with the Securities and Exchange Commission from January 1, 1970 to the present time. For years prior to 1970, the same procedure for obtaining documents will apply as outlined in interrogatory 3.

5. Furnish file indicies and documents describing Company's current filing system except those relating to the following departments or activities: Personnel, meter records, employee services, taxes (including corporate tax), real estate, safety, data processing and computer services, billing, purchasing, stores and inventory, transportation, standards and drawings, building custodial services, corporate services, (including administrative services (procedures manuals, forms design, stationary stores, duplicating and telecommunications), automotive and construction equipment, land management, (including tax department), industrial relations (including workman's compensation, apprentice training, engineering technology, and management services), insurance, claims, auditing, and security.

6. Furnish copies of Company's interoffice telephone directories.

7. Identify Company's current corporate organization (except for those departments or offices and company employees



dealing solely with the subjects excluded in Interrogatory No. 5 above) including:

- a. Names of departments, divisions, and subunits;
- b. Names of all directors, corporate officers, department or division managers and the dates of their service in each office held, indicating the date of election or appointment, for each individual;
- c. Function and responsibilities of each officer, manager and department or division manager listed in a. or b. above; and
- d. Furnish any organization charts depicting positions and names for a) and b) above for the years 1960 to date.

8. Name the persons comprising each intra - and inter - company committee relating to bulk power supply including coordination, generation, purchases, sales, and exchanges of electric power since January 1, 1955 and identify the functions of each committee.

9. Furnish any narrative history (or histories) of Company.

10. Furnish copies of all reports, studies or investigations conducted by the Company or available to the Company since 1960 relating to the basis for constructing, operating, participating in, abandoning, or not constructing, not operating, or not participating in any nuclear unit, including all considered alternatives.

Reports and studies are understood to include any studies underlying final reports, including those rejected or abandoned at some stage prior to final publication, or any last or final consultant's or internal report regardless how labeled. Underlying data, working drafts and any other documents relating to the preparation of the described portions of such reports may be requested subsequently and Company shall not object to the production of such documents and/or data on the grounds that the request is made out of time, although Company preserves other objections. Any information requested in other interrogatories, which may also be backup to the reports shall be supplied in response to any other interrogatory which requires it.

11. Furnish all reports and studies made, or in the process of being made, by or for Company as part of its environmental report to be submitted to the NRC for the St. Lucie 2 or South Dade Units, to include: (1) economic and social effects of plant construction and operation and, in particular, all internal project costs, to include capital investment costs, allowances for funds to be used during construction, operating costs, decommissioning costs and total costs of generated power and (2) evaluation of alternative energy sources including fuel availability and sites. If the environmental reports and studies have not been finalized, they should be supplied in whatever form they may be at the time.

Reports and studies are understood to include any studies underlying the final environmental report and any reports and studies prepared for inclusion in the environmental report, but rejected or abandoned at some stage prior to final publication of the report, or any last or final consultant's or internal report regardless how labeled. Underlying data, working drafts and any other documents relating to the preparation of the described portions of the environmental report may be requested subsequently and Company shall not object to the production of such documents and/or data on the grounds that the request is made out of time, although Company preserves other objections. Any information requested in other interrogatories, which may also be backup to the environmental report shall be supplied in response to any other interrogatory which requires it.

12. Furnish copies of the Company's future peak load growth projection prepared each year during the period 1970 to the present and the official Company peak load growth projection for the years 1960 and 1965.

13. Identify and furnish copies of Company's most recent geographic map and one-line electric diagrams. On the geographic map, indicate:

- a. Boundaries and extent of Company's present service area;.
- b. Company's generation, transmission, and subtransmission lines identified by voltage for all transmission facilities of 13 kv and above, and which

show all wholesale delivery points and interconnection points (except to the extent that existing maps do not show delivery points and interconnection points, Company is not expected to make new maps or expand upon existing ones).

- c. Designate and identify by electric utility:
1. Each of Company's delivery points (showing voltage and capacity) for wholesale (for resale) power;
  2. The location of each generating plant of Company and each plant's MW capacity; and
  3. Each interconnection point between Company and other electric utilities.

14. Furnish copies of multiple copy maps in Company's possession and any printed geographic maps in its possession showing generation, transmission, and subtransmission facilities and service territories of other electric utilities in Florida.

15. Describe Company's reserve and reliability criteria. Furnish copies of documents which describe the reserve and reliability criteria currently in effect for intra- and inter- Company bulk power system planning and operations.

16. Identify, list, and furnish copies of Company's annual load duration curves for 1976 and 1977 (or data that will establish such curves), and the megawatt-hours included

therein. For each of these years state: a) the net energy supplied by each of the Company's individual generating units; b) the kilowatt-hour energy purchases by Company from other electric utilities; c) the average operating cost per kilowatt-hour for each of Company's individual generating units (to be supplied by operating and maintenance cost data); d) the average cost per kilowatt-hour of each purchase from other electric utilities; e) the kilowatt-hour energy sales by Company to other electric utilities; and f) the average revenue per kilowatt-hour (to be supplied as average revenue per KWH) of each sale by Company to other electric utilities.

17. Furnish the Company's projected annual load duration curve, or data that will establish such curves, and the megawatt-hours included therein for the expected first full year of operation in St. Lucie 2 nuclear unit and for 1985 and 1990. For each of these years state: a) the projected net energy to be supplied by each of Company's individual generating units; b) the expected kilowatt-hour energy purchases by Company from other electric utilities; c) the expected average operating cost for operation and maintenance per kilowatt-hour from each of Company's individual generating units; d) the average cost per kilowatt-hour of each energy purchase from other electric utilities; e) the expected kilowatt hour energy sales by Company to other electric utilities; and f) the average revenue per kilowatt-hour for each energy sale by Company to other electric utilities.

18. Describe Company's current planning and system operations criteria. Furnish copies of documents which describe this criteria.

19. (a) Identify and list by title, date, and FERC schedule number (if applicable), and furnish copies of all rate schedules and operating, planning and coordination agreements with other electric utilities currently in effect and on file with the FERC or the Florida Public Service Commission.

(b) Identify, list, and furnish copies of any operating, planning and coordination agreements with other electric utilities currently in effect but not on file with either the FERC or the Florida Public Service Commission.

20. Identify and list by title, date, and FERC schedule number (if applicable), and furnish copies of all rate schedules and operating, planning and coordination agreements entered into by Company with other electric utilities which became effective on or after January 1, 1978, and those that are proposed for the future.

21. Identify, list, and furnish copies of all daily log sheets, or equivalent, showing individual unit generation, tie line flows, purchases, sales and exchanges of capacity and energy, generation and transmission outages, and system load, all by hours, for the calendar day on which the system peak load demand occurred during each month and the calendar day on which the system minimum load demand occurred during each month for the years 1976 and 1977 and 1978 when available.

22. Furnish documents relating to actual, potential or contemplated competition by, among, or between Company and any other electric utility for the sale for resale of electric power and energy. ("Competition" as used in this paragraph shall include all activities by which any electric utility or group of utilities may at any time secure or attempt to secure for itself the opportunity or right to provide electric power at wholesale to any other electric utility. The existence of any contract, law, or regulation requiring any person or corporation to refrain from offering service in any area shall not, for the purpose of this request, be taken as determinative of absence of such competition.)

23. Furnish copies of all documents relating to actual, potential, possible or contemplated competition by, among, or between Company and any other electric utility in the sale for ultimate use of electric power and energy to industrial or commercial customers or the sale for ultimate use to any such customer served or to which service is, was, or might be offered by Company, including any such competition to acquire or retain the right to serve any area. ("Competition" as used in this paragraph shall include all activities by which any electric utility may at any time secure for itself the opportunity or right to provide electric power at retail to any electric power purchasing entity now served or potentially to be served by any other electric utility. The existence of any contract, law, or regulation requiring

any person or corporation to refrain from offering service in any area shall not, for the purpose of this request, be taken as determinative of the absence of such competition.)

This request includes all documents in Company's possession relating to cost, rate, reliability or service of any other electric utility, or relating to comparisons between Company and any other utility of costs, rates, reliability or service.

24. Furnish copies of all documents since January 1, 1950 relating or referring to actual, possible, or contemplated pooling, coordination or integrated operations agreements or arrangements between Company and any other electric utilities. Include documents referring to Company policies with respect to possible pooling, coordination or integration with other utilities and documents containing any analyses made by Company of the impact of pooling, coordination, or integrated operations with others. Also include all requests, inquiries, or expressions of interest by other electric utilities, groups of utilities, or state or federal agencies in coordination, pooling, or integrated operations with Company and Company's consideration thereof and response thereto. Documents relating to isolated transactions fall within the scope of this request. Documents regarding the routine, daily energy transactions occurring pursuant to the aforementioned agreements and arrangements are not included.



25. Furnish copies of all documents since 1950 relating to or referring to the possible or actual participation of any electric utility or group of utilities in any bulk power supply coordinating group of which Company is or was a member, including, but not limited to, the FOC, SERC and FCG. The documents required herein should cover the period beginning one year prior to the formation of the organization in question.

26. Furnish copies of all documents since 1955 relating to possible participation (or inability, failure, or unlikelihood to participate) by any other utilities in any of Company's planned, possible, contemplated, under construction or completed nuclear generation facilities. Include all documents that refer to type and amount of participation (including direct ownership, indirect ownership, unit power, or purchased power), other terms of participation, availability and terms of transmission, back-up power and coordinated operations or lack of any of the foregoing.

27. Furnish copies of all documents relating to Company's possible participation, including purchase of electric power, individually or together with any other utility, in any proposed or contemplated electric generating unit, to be constructed or operated by any entity including, but not limited to Florida Power Corporation, the Jacksonville Electric Authority, and Georgia Power Corporation and including any

joint venture units to be constructed or operated by Company in conjunction with any other electric utility/utilities. This request includes documents relating to units or joint participation possibilities that may have been considered at one time, but have been rejected.

28. Furnish copies of all studies and all documents regarding the Company's proposal to assist in the development of a joint Central Florida nuclear plant referred to in Mr. Tracy Danese's letter of March 30, 1976, to other Florida utilities.

29. Furnish copies of all documents since 1950 relating to proposals, discussions or agreements between Company and any other electric utility to allocate service territories, to serve or refrain from serving any particular geographic area, or to serve or refrain from serving particular customers.

30. Furnish copies of all documents since 1950 relating to Company's actual, possible, considered or contemplated acquisitions, ownership or control of any other electric utility (or their assets) by purchase, lease, consolidation, merger, or of rights to serve in any other electric utility's area of service in whole or in part, including all documents relating to meetings with officials, managers or employees of any other electric utility concerning such acquisition, ownership or control.

31. Furnish copies of all documents relating to Company's consideration and response to the "Long Range Power Supply

Concepts" of Seminole Electric Cooperative, Inc. (A copy of these concepts was sent by Seminole Electric Cooperative to Mr. Marshall McDonald of FP&L on 10/9/73.)

32. Furnish copies of all documents prepared by or for Company which describe, discuss, or mention the benefits, detriments, or operating or economic consequences to be derived by Company as a result of actual or possible coordination with other electric utilities.

33. Furnish copies of all documents since January 1, 1950 relating to Company's considerations of and expressions of interest in a statewide, peninsula Florida or inter-utility power pool or bulk power coordinating or planning group to include but not limited to membership in FOC, FCG and SERC. Also include responses to inquiries concerning state-wide coordination from the Florida Public Service Commission and from any electric utility individually or any group of electric utilities.

34. State whether Company is a member in any planning or coordinating group, reliability council, power pool, or any similar type group, including FOC and FCG, and specify:

- a. Name of group, council, or pool;
- b. Date organized;
- c. Other members (including associate members);
- d. Purpose (type of services provided); and
- e. The names and dates of written and/or oral agreements or contracts relating to such groups, councils, and pools.

35. Furnish copies of Company's "Uniform Statistical Report" filed with the Edison Electric Institute, for the years 1965 to present.

36. Furnish copies of Company's submissions to FCG and/or SERC for the years 1974 to present required by the FPC pursuant to orders issued in Docket R-362, or successor dockets or forms.

37. Furnish copies of FOC & FCG committee reports, and minutes and correspondence relating to actual or contemplated power supply arrangements. The documents required herein should cover the period since the beginning of the committee in question.

38. Furnish copies of all documents submitted by Company to the Edison Electric Institute, the Institute of Electrical and Electronic Engineers, and the Electric Power Research Institute, relating to bulk power supply reliability or economics and system planning and operations.

39. Furnish copies of all documents since 1960 relating to actual or potential power and energy transactions directly or indirectly between Company and the Southern Group of SERC, or any member thereof.

40. Furnish copies of Company's annual report(s) supplied to the Florida Public Service Commission for the year 1970-1977 and 1978 when available.

41. (a) Since January 1, 1950, has your company ever transmitted, wheeled, or delivered power (excluding inadvertent power) generated by a utility other than your company, or pur-

chased power at a point(s) of interconnection and delivered or sold such power, or equivalent power, to other electric utilities at a different point(s) of interconnection? If so, list: (1) the parties involved, (2) the time period involved, (3) the annual amount of capacity and/or energy involved, (4) the reasons for the arrangement or service provided, and (5) the date and the signatories to any agreement relating to each such service or arrangement.

(b) Furnish copies of all documents since January 1, 1950 relating to such requests or expressions or interest by other electric utilities to obtain wheeling, or transmission service from your company and your responses thereto.

(c) State your company's present position with respect to providing general wheeling and transmission services for utilities in the State of Florida and describe any limitations that are contemplated with respect to the furnishing of such services. In particular, specify:

(1) Whether your company is willing to file a general wheeling tariff with FERC.

(2) Whether your company is willing to jointly plan with other utilities to expand your transmission facilities to provide for the future increased wheeling needs of others.

(3) Whether your company is willing to file a joint wheeling tariff with FERC involving transactions for transmission over both FP&L and other electric utilities transmission facilities.

(4) Is your company willing to allow other electric utilities to jointly invest or jointly own Company's transmission facilities. Furnish copies of all documents since January 1, 1950 relating to Company's past or present policies concerning items in subparagraphs 41(c)(1) through (4). Identify all individuals with knowledge of the development of any of these policies.

(d) (1) Describe any service schedules or charges that may be utilized by company for wheeling services.

(2) Furnish copies of documents which discuss or describe transmission services offered or to be offered by your company, to include schedules that will be utilized by company for wheeling Crystal River No. 3 power.

42. Define the geographic product and facilities markets upon which Company intends to rely as the relevant markets in this proceeding:

- a. As to each product market or facility listed in response to this question, identify and describe each factor considered in determining that it is an appropriate product market for antitrust analysis in the proceeding.
- b. Define the geographic boundaries which are relevant for each such product market and indicate such boundaries on a large scale map.
- c. State specifically the factors used in defining the boundaries in each area described and delineated in b. above and describe each factor considered in determining that it is an appropriate geographic market for antitrust analysis in this proceeding.

43. Describe any joint ownership or joint venture, (in existence, being planned, or contemplated) between Company and any other electric utilities, including but not limited to joint ownership or joint ventures in transmission and generation facilities, stating (a) the parties involved, (b) ownership share, (c) reasons for the joint ownership, (d) the time period involved, and (e) the date of and signatories to any contracts or agreements relating to this joint ownership.

44. List the Company's most recent estimates and projections relating to bulk power supply for the period 1979 through 1990 which concern:

- a. Transmission and subtransmission additions showing voltages, circuit mileages and approximate routings, and completion dates;
- b. Generation additions showing MW ratings, locations, primary and secondary fuel, and completion dates;
- c. Load projections showing annual peak demands and MWhs for each year;
- d. Reserve projections for each year at time of annual peak load showing installed capacity, load demand, and power purchases and sales, and
- e. Power purchases and sales or exchanges, including capacity related to the sharing of reserves, showing parties involved, types and amounts of transactions, and time periods involved.

45. State Company's expected annual incoming and outgoing capacity and energy transactions and exchanges for the first calendar year during which St. Lucie 2 unit is expected to be operable, the calendar year immediately proceeding commercial operation of St. Lucie 2, the calendar year immediately following commercial operation of St. Lucie 2 and for the year 1985 and 1990.

46. State by year for the years 1979 to 1990 Company's present estimates of the annual peak demand for the Seminole member cooperatives in Company's area of service, individually and on a coincident basis and their system coincident load contribution to FP&L's annual peak load.

47. State by years for the years 1965 to present the annual peak demand recorded by Company for the Seminole member cooperatives in Company's area of service, individually and on a coincident basis and their system coincident load contributions to FP&L's annual peak load.

48. (a) List all franchises that have expired or will expire between January 1, 1955 and January 1, 1985. Provide copies of all such franchises (representative franchises may be used).

(b) List those municipalities, counties or other governmental entities where to the knowledge of FP&L any official or officer has indicated an interest in establishing its own electric distribution system or generating facility, or in not renewing FP&L's franchise.



For each municipality, county or governmental entity listed state the date(s) on which and the manner in which FP&L became aware of the interest in establishment of an electric distribution system or generating facility or in not renewing FP&L's franchise. Identify all individuals with knowledge thereof and provide all documents related thereto.

(c) Where the response to (b) is affirmative, furnish copies of all documents since January 1, 1955 relating to action, or contemplated action, by FP&L in response to failure by any municipality to renew any electric service franchise.

(d) Provide a copy of the Dade County, Florida franchise agreement with the Company.

49. Furnish copies of all comments since 1965 relating to Company's past, existing and proposed future coordination or integrated operations with Southern Company as a group or any individual member utility thereof, including but not limited to activities involving planning, purchases, sales or exchanges of power/energy either directly or indirectly through another utility.

50. Provide, on an annual basis for the years 1971, 1974, 1975, 1976 and 1977 a summary of Company's energy transactions with other utilities, classifying by applicable FPC rate schedule and specific service schedule therein the total annual amount of energy delivered and the total amount of energy received for each utility. Also, of the total amount of annual transactions with each utility indicate the amount of energy considered as firm and the amount of energy considered as non-

firm. For energy transactions which cannot be classified by, or did not take place pursuant to, a FPC rate schedule and/or service schedule therein, indicate the annual amount of energy delivered to and the annual amount of energy received from, each utility and the amount of energy that was considered firm and the amount of energy that was considered non-firm.

51. Describe transmission line right-of-way acquisition and condemnation procedures which are necessary for Company to construct transmission lines in Company's service area. Furnish copies of documents, which describe Company's right-of-way acquisition and condemnation procedures related to the construction of transmission lines of 69 kv and above.

52. State Company's current estimated costs per mile for right-of-way acquisition and transmission line construction, or data that will establish such costs, for each type of 69 kv and above transmission lines of the sizes utilized by company.

53. Furnish copies of reports, studies and analyses describing the benefits and advantages of nuclear generation to FP&L and other Florida utilities.

54. State Company's understanding of past, present and anticipated availability and cost from 1976 to 1990 of natural gas, coal, and oil to FP&L and other Florida utilities.

55. Furnish copies of all reports and summaries since 1960 prepared by or for Company or made available to Company which refer or pertain to comparisons of generation alternatives considered by Company with respect to the availability and cost of alternative fuels and the consideration of different plant sizes.

56. (a) Furnish copies of all documents from January 1, 1950 to date relating to the Company's policy or position regarding limitations on wholesale customer loads contained in any rate schedule or other agreement with such customer, or any other electric utility, including but not limited to those contained in the Company's SR rate schedules. Identify all individuals with knowledge of the development of these policies or positions.

(b) Describe Company's ~~current~~ policy regarding the sale of wholesale power to electric utilities in the State of Florida. Specifically describe any limitations to such sales and any differentiations in treatment between classes of customers with respect to charges and availability of supply. Identify all individuals with knowledge of the development of this policy.

57. Furnish copies of all documents which discuss or describe Company's considerations of its commercial and industrial rates or of the effect on wholesale or retail competition between FP&L and other electric utilities when setting rates for wholesale for resale customers. To the extent not set forth in the documents, state the Company's position with respect to the setting of these rates. Identify all individuals with knowledge of the development of the Company's position on this matter.

58. Furnish copies of all documents since January 1, 1965 relating to Company's consideration of and activities with respect to proposed state or federal legislation including local ordinances and constitutional amendments whether or not

enacted, which might adversely affect or interfere with the operations of other electric utilities in the State of Florida including, but not limited to:

(1) Documents relating to legislation which could hinder or prevent utilities from building their own electric facilities, from obtaining financing, or from doing business with and coordinating activities (such as entering into joint ventures) with other electric utilities. (2) Also include any documents pertaining to possible legislation designed to alter the tax status or regulatory status of municipally owned or cooperative owned electric utilities in the State of Florida.

59. State in MW and MWH what percentage of Company's total generation will be nuclear for the years 1979-1990.

60. Does Company deny that its ownership of transmission facilities gives it the ability to hinder or prevent municipals and cooperatives located within a) its service area or b) the State of Florida from obtaining access to the economies of scale and other benefits of large scale nuclear generation units? If so, upon what facts and reasons does it base such a contention?

61. Does Company deny that ownership of its transmission facilities gives it the ability to hinder or prevent electric utilities located a) in its service area or b) in the State of Florida from obtaining the benefits of coordinated operations, planning and development among themselves, with Company and with others? If so, upon what facts and reasons does it base such a contention?

62. Does Company contend that utilities located in Company's service area can and should construct their own transmission facilities rather than be allowed the use of Company's transmission facilities for obtaining electric power from sources other than Company?

63. In Company's May 26, 1976 "Response to Joint Petition of Florida Cities," Company asserted at page 10 that municipal electric systems in Florida . . ." have significant opportunities both to purchase power at wholesale and to develop independent sources of electric power." Explain the basis for this assertion and list all opportunities in which Company contends that these electric systems may purchase at wholesale and develop independent sources of electric supply.

64. In Company's May 26, 1976 "Response to Joint Petition of Florida Cities," Company asserted at page 12 that municipal electric utilities and rural electric cooperatives in the State of Florida . . ." enjoy general exemptions from taxation and significant capital subsidies while the company is subjected to taxation by all levels of government and is favored with no subsidies or advantages in its efforts to attract capital." Explain the basis for this assertion and list each and every alleged "advantage" that Company contends is presently enjoyed by Florida municipals and cooperatives. In addition, furnish copies of Company's federal, state, and local tax returns.

65. (a) Why did Company refuse to allow other electric utilities participation in its South Dade Units? Upon what facts and reasons did Company base this decision? Identify all individuals with knowledge of the facts and reasons and provide all documents relied on by Company in deciding to refuse to allow other electric utilities participation in its South Dade Units.

(b) Will Company allow other utilities ownership participation in Turkey Point 3 & 4 and St. Lucie 1 and 2. If not, state the reasons why, identify all individuals with knowledge of the facts and reasons and provide all documents relied on by Company in deciding not to allow other utilities ownership participation.

66. (a) Does Company contend that the intervenors in this proceeding individually are large enough to build their own nuclear facilities? If so, upon what facts and reasons does Company base such a contention?

(b) Does Company contend that intervenors in this proceeding can or must act collectively to build nuclear generation facilities? If so, upon what facts and reasons does Company base this decision?

(c) If Company's responses to numbers 66(a) or 66(b) above are affirmative, does Company contend that intervenors' participation in such nuclear generation would be economically equivalent to Company's combined ownership interests in the St. Lucie and Turkey Point Nuclear Units?

(d) Does Company contend that intervenor's participation in St. Lucie No. 2 would be economically equivalent to Company's ownership of all of its nuclear facilities? If so, upon what facts and reasons does Company base such contentions?

67. State all reasons for the cancellation of South Dade Nuclear Units. Supply all documents relating to (1) the decision to construct the South Dade Units, (2) the decision to abandon the project, and (3) any alternatives to cancellation, including possible joint participation by others in the South Dade Units.

68. Does Company contend that nuclear generation is not an "essential resource" in the State of Florida? If so, what is the basis and reasons for such a contention?

69. What is the minimum efficient size nuclear generation unit that Company believes other electric utilities in Florida can consider installing based on current industry technology and what is the basis for Company's belief?

70. (a) Is Company aware of any purchase of any wholesale power within its service area(s) during the past ten years which was not sold by Company?

(b) If so, who sold such power?

(c) In what year was each such purchase made?

(d) provide documents stating any definitions of service area employed by the Company.

71. Specify all information relating to Company contained in the documents listed below, or in those portions of documents listed below, which is no longer accurate or no longer complete:

- a. Company's annual reports for the years 1965 through 1977;
- b. all Forms 1, 12, 12E(1) and (2), 12F, 23A, and information supplied by Company pursuant to FPC Docket R-362, or successor dockets or forms, E-9574, ER-77-549, ER-77-550, ER-77-516, ER-77-175, ER-78-19, and ER-78-81 and interconnection agreements filed by Company with the Federal Power Commission on or after January 1, 1965;
- c. all prospectuses and annual reports filed by Company with the Securities and Exchange Commission on or after January 1, 1965; and
- d. all documents relating to Company's St. Lucie Units 1 and 2, Turkey Point Units 3 and 4 and South Dade nuclear projects submitted by Company to the United States Nuclear Regulatory Commission or to the United States Department of Justice, excluding all documents relating only to safety, health matters, and also excluding all documents relating to environmental matters save: (1) AEC Docket No. 50-335 Environmental Report, Sections:
  - a. 1.0;
  - b. 2.1;
  - c. 2.5;



d. 2.6; and

e. 2.7

(2) AEC Docket No. 50-389 (St. Lucie 2) Environmental Report, Sections:

a. 1;

b. 8;

c. 9;

d. 11.

72. (a) With respect to any information specified to be no longer accurate or no longer complete in regard to Item 71, provide all facts and data necessary to make such information accurate, complete and up-to-date.

(b) Does the Company agree with the conclusions contained in the documents referred to in Item 71 above?

(c) If not, with what particular conclusions does Company disagree?

(d) Upon what facts and reasons is this disagreement based?

73. (a) List by year the amount of federal income taxes paid by Company for the years 1965 to 1977.

(b) List by year the amount of each type of state taxes (eg: income, property, etc.) paid by Company for the years 1965 through 1977.

(c) List by years the amount of municipal taxes paid by Company for the years 1965 through 1977.

(d) If the taxes listed in (a) through (c) above are in any way different from taxes listed by Company in filings with

the Federal Power Commission, the Securities and Exchange Commission, or Company's annual reports, fully explain these differences.

74. (a) List the total bond issues made by Company during the year 1965 to present and specify the rate of interest paid by Company for each issue.

(b) List the par value and dividend rate for each issue of Company's preferred stocks for the years 1965 to 1976.

(c) List the dividends paid by Company on each share of common stock for the years 1965 through 1976 to present.

75. Has the Company ever offered any other utility the opportunity to participate in any of the following nuclear units existing or planned by the Company:

- a. Turkey Point 3
- b. Turkey Point 4
- c. St. Lucie 1
- d. St. Lucie 2
- e. South Dade units
- f. Any other planned units

If so, when and to what extent?

76. Furnish all documents since 1950 (including notes made of meetings between representatives of the Company and its wholesale customers) relating to Company's policy and position regarding the establishment of points of delivery for the sale of wholesale, emergency or other bulk power electric service.

77. Provide a tabulation of all industrial customers who purchase power and energy from the Company with connected loads equaling or exceeding 500 kW, which have become customers of the Company within the last five years and who are located in counties where one or more municipal or cooperative electric system(s) also provide electric service. Indicate customer by name (coded or otherwise), peak demand, and county where located.

78. List all franchises held by the Company for retail service inside the corporate limits of municipalities owning or operating municipal electric systems, together with the date each such franchise expires.

79. (a) Excluding invoices, billing data, and furnish all documents relating to the Company's purchase of natural gas including but not limited to contracts with Florida Gas Transmission and its gas suppliers, all correspondence relating to gas supply and availability, warranty contracts, price by years since service began delivery under the T-2 and T-3 contracts, and monthly invoices for gas supply in each of the months beginning in October, 1973.

(b) Name all persons who had any responsibility relating to the making, negotiation, agreement, approval, continuation or modification (proposed, actual or potential) of the Company's gas transportation arrangements including related production with either Florida Gas Transmission

Company or Amoco Production Company (or any predecessors, successors, affiliates, assigns or related companies). State the responsibilities over such matters for each person named.

80. Furnish copies of all documents relating to the MMBtu purchase contract dated March 12, 1965, between Company (Buyer), Amoco Production Company, et al. (i.e., Pan American Petroleum Corp.) (Seller) and Florida Gas Transmission Company (Pipeline), including all possible alternative contracts, related contracts, negotiations resulting in or affecting such contracts and operating agreements, and including all natural gas allocations, curtailments and deliveries.

81. Furnish all copies of all documents relating to Florida Gas Transmission Company's application in Federal Power Commission Docket No. CP65-393 to expand its pipeline facilities, and any alternate or subsequent expansion of Florida Gas Transmission Company facilities relating to the transportation or delivery of natural gas to Company.

82. Furnish copies of all documents relating to the possible, planned or agreed to expansion, extension, substitution, curtailment, modification, or termination of the "T-1" and "T-3" natural gas contracts between Company and Florida Gas Transmission Company (and/or related producer contracts), including disposition of natural gas for other than Company use.

83. State the Company's willingness or unwillingness, including any qualifications, to provide the following services to a city considering acquisition of its distribution system on expiration of a franchise with the Company:

- a. Wholesale sales for resale of all or a portion of its requirements;
- b. Transmission service to and from such city of power purchased or proposed to be purchased from others or owned or proposed to be owned jointly with others;
- c. Interchange service, including emergency, and economy energy and maintenance service for generation owned or proposed to be owned by such city;
- d. Access to the Company's nuclear units by direct ownership or unit purchase as follows:
  - (1) Existing units,
  - (2) Units under construction
  - (3) Planned units,
  - (4) Future planned units
- e. Undertake coordinated planning and operation with such city's planned generation, if any.

84. Furnish all documents relating to the expiration of the Daytona Beach franchise in 1977 and the City's study of the feasibility of acquiring the distribution properties,

including all documents regarding the City's employment of consultants, the employment of consultants by the Company, and the willingness or unwillingness of the Company to cooperate with the City in making the study.

85. Furnish copies of all Company's rate schedules on file with the Federal Power Commission or the Florida Public Service Commission which set forth Company's commercial, industrial and wholesale rate since January 1, 1965.

86. (a) Identify by name, address, professional affiliation and subject matter each of the experts and all persons with knowledge of facts which Company may use as a witness in the captioned proceeding.

(b) What is the substance of the facts and opinions to which each witness may testify?

(c) Upon what information or data will such witness rely? Identify and provide copies of all documents consulted or relied upon by those persons in the preparation of oral or written testimony in this proceeding.

(d) Identify all studies which have been prepared, planned, developed or commissioned by Company which relates to the captioned proceeding.

87. State all defenses to the allegations contained in Florida Cities' Joint Petition and to allegations that the licensing of St. Lucie Unit No. 2 will create or maintain a situation inconsistent with the antitrust laws. Supply all

documents which were relied upon in the formation of such defenses.

88. Supply all documents relating to the Florida Municipal Utilities Association or the Florida Municipal Power Agency.

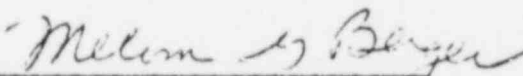
89. For each of the above requests identify the person or persons who prepared or assisted in the preparation of the responses thereto.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 ) Docket No. 50-389A  
FLORIDA POWER & LIGHT COMPANY )  
(St. Lucie Plant, Unit No. 2) )

Certificate of Service

I hereby certify that copies of FIRST JOINT REQUEST OF  
THE NRC REGULATORY STAFF, UNITED STATES DEPARTMENT OF JUSTICE  
AND INTERVENORS FOR INTERROGATORIES AND FOR PRODUCTION OF  
DOCUMENTS BY APPLICANT have been served upon all of the  
parties listed on the attachment hereto by hand or by de-  
posit in the United States mail, first class of airmail,  
this 31st day of October, 1978.

  
Melvin G. Berger  
Attorney  
Department of Justice  
Antitrust Division



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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 ) Docket No. 50-389A  
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(St. Lucie Plant, Unit No. 2) )

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