



Stephanie A. Cuello  
SENIOR COUNSEL

December 3, 2025

**VIA ELECTRONIC FILING**

Adam J. Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Joint petition to extend phase one territorial settlement agreement in  
Hernando, Citrus, and Pasco Counties, by Duke Energy Florida, LLC and  
Withlacoochee River Electric Cooperative, Inc.; Docket No. 20250124-EU

Dear Mr. Teitzman:

On behalf of Duke Energy Florida, LLC ("DEF") and Withlacoochee River Electric Cooperative, Inc. ("WREC"), please find enclosed for electronic filing in the above-referenced docket, DEF and WREC's Response to Staff's First Data Request (Nos. 1-7).

Thank you for your assistance in this matter. If you have any questions concerning this filing, please feel free to contact me at (850) 521-1428.

Sincerely,

/s/ Stephanie A. Cuello

Stephanie A. Cuello

SAC/clg  
Enclosures

cc: Keith C. Smith, Esq.  
Major R. Thompson

**Duke Energy Florida, LLC's ("DEF") Response to Florida Public Service Commission's ("FPSC") First Data Request (Nos. 1-7) re: Joint petition to extend phase one territorial settlement agreement in Hernando, Citrus, and Pasco Counties, by Duke Energy Florida, LLC and Withlacoochee River Electric Cooperative, Inc.**

**Docket No. 20250124-EU**

1. Please refer to Paragraph 4 of the joint petition to address the following questions:
  - a. Paragraph 4 references the "current Settlement Agreement." Please clarify which territorial agreement that the current Settlement Agreement applies to.
  - b. Footnote 1 (in Paragraph 4) references the Commission orders that approved the Phase One Settlement Agreement. Please state conclusively whether all aspects of 'Phase One' activities associated with Docket No. 20040133-EU (including boundary line changes and customer transfers) have been completed. If applicable, provide a detailed response identifying what aspects of Phase One implementation have not been completed, with explanation(s).
  - c. The instant petition seeks a 5 year extension. Please provide a detailed explanation as to why five years is requested. For example, do the parties anticipate filing a revised territorial agreement at the end of the five year period?

**Response:**

- a. The "current Settlement Agreement" refers to the settlement agreement entered into by the Parties in April 28, 2005 and approved in Order No. PSC-05-0965-PAA-EU dated October 10, 2005 in Docket No. 20040133-EU. Consummating Order No. PSC-05-1099-CO-EU, issued November 2, 2005, made Order No. PSC-05-0965-PAA-EU final and effective.
  - b. All customer transfers have been completed that are listed in Exhibit C of the JOINT PETITION FOR APPROVAL OF SETTLEMENT AND THE IMPLEMENTATION OF FIRST PHASE for Docket No. 20040133-EU dated April 29, 2005.
  - c. The parties intend to continue ongoing discussions to file, as needed, an amended territorial agreement based on any changes within the territorial areas of the parties that have occurred since the latest amendment. It is the intention of the parties to complete this process as efficiently as possible.
2. Please refer to the Consolidated Territorial Agreement (Florida PSC Document No. 01565-2006) in relation to Order No. PSC-06-0202-PAA-EU. Please state conclusively whether all aspects of 'Phase Two' activities associated with Docket No. 20040133-EU (including boundary line changes and customer transfers) have been completed. If applicable, provide

a detailed response identifying what aspects of Phase Two implementation have not been completed, with explanation(s).

**Response:**

All customer transfers have been completed that are listed in Exhibits B and C of the Second JOINT PETITION to approve amended and consolidated territorial agreement and to implement Phase II of SETTLEMENT Agreement Docket No. 20040133-EU dated December 8, 2005, and approved by the Commission PSC-06-0202-PAA-EU issued March 14, 2006.

3. Please refer to Order No. PSC-10-0559-PAA-EU, issued in Docket No. 20100282-EU (Florida PSC Document No. 07509-2010). On Page 1, the last sentence under the Background section states, "This amendment will require the transfer of approximately 31 customers and related distribution facilities currently served by PEF to WREC." Please state whether or not these customers and related distribution facilities have been transferred to PEF.
  - a. If the transfer has not been completed, please state the number that have been transferred and number of customers that have not been transferred.
  - b. If some portion of the transfer has not been completed, please explain the conditions that resulted in the incomplete transfer.
  - c. If the transfer has not been completed, please provide any document(s) that support and/or explain how the incomplete transfer of these customers have or have not resulted in uneconomic duplication of facilities referenced in Rule 25-6.0440(2)(c), F.A.C.

**Response:**

All customer transfers have been completed that are listed in Exhibit B of the Joint Petition to Amend Territorial Agreement, DOCKET NO. 100282-EU, dated May 12, 2010, and approved by the Commission Order No. ORDER NO. PSC-10-0603-CO-EU dated October 1, 2010.

- a. N/A
  - b. N/A
  - c. N/A
4. Please refer to Attachment A (Settlement Agreement) in the joint petition. Please explain how the Company determined an expiration date of October 2025 for this Settlement Agreement.

**Response:**

The “Settlement Agreement” refers to consolidation of four existing territorial agreements as being part of the settlement, and the petition requesting the Commission approve the Settlement Agreement states that “approval of a settlement reached by WREC and Progress Energy, attached hereto as Exhibit A, which resolves all outstanding issues pending before the Commission in this proceeding and substantially furthers their ongoing negotiations to amend and consolidate four existing territorial agreements delineating their respective service areas in Citrus, Hernando and Pasco Counties.”

The consolidated territorial agreement is dated December 5, 2005, and was filed as part of the overall settlement. That consolidated territorial agreement attaches the “Settlement Agreement” as an exhibit to the consolidated territorial agreement. The consolidated territorial agreement says the effective date is the date of the order of the Commission granting approval of this “Agreement.” The term of the consolidated territorial agreement says it is 20 years from the Effective Date.

The notice of proposed agency action the consolidated territorial agreement for ORDER NO. PSC-06-0202-PAA-EU, was issued March 14, 2006, and the consummating order is dated April 10, 2006.

Out of an abundance of caution, since it was the earlier date, we were interpreting the Commission’s approval on October 10, 2005 of the Settlement Agreement, as being the earliest possible date the term of the consolidated territorial agreement could have begun, resulting in the 20-year term expiring on October 10, 2025.

If the Commission is of the opinion that the consolidated territorial agreement between the parties does not expire until April 10, 2026, the parties would request that the Commission interpret the request for extension to extend the territorial agreement between the parties until April 10, 2031.

5. Please refer to Order No. PSC-05-0965-PAA-EU, issued in Docket No. 040133-EU (Florida PSC Document No. 09686-2005). On page 4, the last sentence under “Settlement Agreement and Implementation of Phase One of the Agreement” states, “Our approval of the settlement agreement and implementation of phase one of the settlement by WREC and PEF is given with the understanding that the parties will come back to us for approval of the amended territorial agreement and authorization to implement phase two of the settlement.” Please provide a specific justification on why (in this instant pleading) the parties are petitioning to extend the Phase One agreement as opposed to the Phase Two agreement or any subsequent orders modifying or amending the existing territorial agreements (such as the Consolidated Territorial Agreement approved in Order No. PSC-06-0202-PAA-EU).

**Response:**

See response to number 4.

6. Please refer to Attachment A (Settlement Agreement) from the joint petition (found in Document No. 14548-2025). Under Definitions, the Settlement Agreement states, “The term “Existing Agreements” shall mean the four currently effective territorial agreements between the Parties...” In this same paragraph, three Order Nos. (19610, 20368, and 25309) and Docket Nos. (880234-EU, 881164-EU, and 910940-EU) are listed. Please state the Order No. and Docket No. of the four territorial agreements mentioned in the previous sentence.

**Response:**

We have been unable to locate a fourth agreement. These are the three dockets/orders for the prior territorial agreements we have identified:

Citrus and West Pasco Agreements were approved as 1: by Order No. 19610, issued July 5, 1988, in Docket No. 880234-EU

East Pasco Agreement by Order No. 20368, issued November 30, 1988, in Docket No. 881164-EU

Hernando Agreement by Order No. 25309, issued November 7, 1991, in Docket No. 910940-EU.

7. Please refer to Order No. PSC-05-0965-PAA-EU, issued in Docket No. 040133-EU (Florida PSC Document No. 09686-2005), referenced herein as the “Phase One order.” Also refer to Order No. PSC-06-0202-PAA-EU, issued in Docket No. 040133-EU (Florida PSC Document No. 02181-2006), referenced herein as the “Phase Two order.”
- a. The Phase Two order was issued after the Phase One order. Does the Phase Two order supersede the Phase One order? Please explain why or why not.
  - b. Is the Phase Two order the Existing Agreement? Please explain your response.
  - c. On page 4 of the Phase One order, the last sentence under “Settlement Agreement and Implementation of Phase One of the Agreement” states, “Our approval of the settlement agreement and implementation of phase one of the settlement by WREC and PEF is given with the understanding that the parties will come back to us for approval of the amended territorial agreement and authorization to implement phase two of the settlement.” Please provide a specific justification on why (in this instant pleading) the parties appear to be excluding Phase Two of the agreement and are only seeking to approve an extension on Phase One of the agreement.
  - d. Please refer to Attachment A of the Phase One order (Settlement Agreement), where Section 10 states, in part, “Except as amended, revised, or otherwise provided for by this Settlement Agreement, the terms and conditions of the Existing Agreements shall remain in full force and effect until such time as this Settlement Agreement and the

Existing Agreements are subsumed within, and amended, restated and consolidated by the Amended Agreement.” Please explain whether the issuance of the Phase Two order created the “Amended Agreement” referenced therein.

**Response:**

- a. It appears the Phase One and Phase Two Orders were both part of the same overall Settlement Agreement that resulted in the Consolidated Territorial Agreement.
- b. The Phase Two Order does appear to approve the Consolidated Territorial Agreement.
- c. See Response to Number 4.
- d. See Response to Number 4.