



Matthew R. Bernier  
ASSOCIATE GENERAL COUNSEL

September 27, 2021

**VIA ELECTRONIC FILING**

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

Re: *Joint Petition of the City of Winter Park and Duke Energy Florida, LLC, for Approval of a Modification to the Territorial Agreement in Orange County; Undocketed \_\_\_\_\_*

Dear Mr. Teitzman:

Enclosed for filing is the Joint Petition of the City of Winter Park and Duke Energy Florida, LLC, for Approval of a Modification to the Territorial Agreement in Orange County with the supporting Attachment 1 which includes Exhibits A, B, E, F and H.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

/s/ Matthew R. Bernier

Matthew R. Bernier

MRB/cmw  
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Joint Petition of City of Winter Park and Duke Energy Florida, LLC for approval of a Modification to a Territorial Agreement in Orange County.

Docket No. \_\_\_\_\_

Submitted for filing:

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**Joint Petition for Approval of a Modification to the Territorial Agreement  
Between the City of Winter Park and Duke Energy Florida, LLC**

The City of Winter Park (“Winter Park”) and Duke Energy Florida, LLC (“DEF”) (collectively, the “Joint Petitioners” or “Parties”) pursuant to Section 366.04(2)(d), Fla. Stat., and Rules 25-6.0440, and 28-106.201, F.A.C., jointly petition the Florida Public Service Commission (“Commission”) for approval of a Modification to their Territorial Agreement within the city of Winter Park in Orange County.

In support, the Joint Petitioners state:

1. Winter Park and DEF are parties to a currently effective territorial agreement delineating their respective service territories in the city of Winter Park in Orange County (the “Current Agreement”), approved by the Commission in Order No. PSC-2014-0138-CO-EU, issued March 21, 2014, in Docket No. 20130267-EU.
2. On September 27, 2021, the Joint Petitioners entered into an amendment (“First Amendment”) to the Current Agreement, attached hereto as Exhibit A, in an effort to re-define specific areas of the Parties' respective service area in the City of Winter Park. The Current Agreement expressly provides that the effectiveness of

any amendment thereto is contingent upon the approval of the Commission.

3. This First Amendment to the Current Agreement will become effective and enforceable only upon the issuance of an Order by the Commission approving the First Amendment to the Current Agreement in its entirety.
4. The purpose of the First Amendment is to redraw certain territorial boundaries in response to Winter Park's annexation of the affected area into its municipal boundaries. Additionally, certain Winter Park customers (currently being served temporarily by DEF) are being transferred to DEF. Except as shown in Exhibit A, the terms and conditions of the Current Agreement remain unchanged and in full force and effect, and there are no known disputed issues of material fact related to this petition.
5. The Joint Petitioners believe, and therefore represent to the Commission, that the proposed First Amendment, and the Current Agreement as amended, is in the public interest as it will eliminate the uneconomic duplication of services, and will resolve split parcels due to annexation, as well as create more cohesive boundaries, and will not cause a decrease in reliability to existing or future customers of either Party.

WHEREFORE, the Joint Petitioners respectfully ask the Commission to approve the proposed First Amendment to the Current Agreement.

<p>THE CITY OF WINTER PARK</p> <p><u>/s/ Dan Langley August 27, 2021</u></p> <p><b>DAN LANGLEY</b></p> <p>Deputy City Attorney</p> <p>Fishback, Dominick, Bennett, Ardaman, Ahlers, Langley &amp; Geller, LLP. 1947 Lee Road Winter Park, FL 32789</p>	<p>DUKE ENERGY FLORIDA, LLC</p> <p><u>/s/ Matthew R. Bernier</u></p> <hr/> <p><b>MATTHEW R. BERNIER</b> Associate General Counsel Duke Energy Florida, LLC 106 E. College Avenue Suite 800 Tallahassee, FL 32301 T: 850.521.1428 F: 727.820.5041 Email: <a href="mailto:Matthew.Bernier@Duke-Energy.com">Matthew.Bernier@Duke-Energy.com</a> <a href="mailto:FLRegulatoryLegal@Duke-Energy.com">FLRegulatoryLegal@Duke-Energy.com</a></p>
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<sup>1</sup> Rule 28-106.201(2)(c) & (f), F.A.C., are inapplicable to this petition.

# **EXHIBIT A**

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**FIRST AMENDMENT  
TO THE TERRITORIAL AGREEMENT  
BETWEEN  
THE CITY OF WINTER PARK  
AND  
DUKE ENERGY FLORIDA, LLC**

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**FIRST AMENDMENT TO THE TERRITORIAL AGREEMENT  
BETWEEN  
THE CITY OF WINTER PARK  
  
AND  
DUKE ENERGY FLORIDA, LLC**

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**THIS FIRST AMENDMENT TO THE TERRITORIAL AGREEMENT** ("First Amendment"), by and between The City of Winter Park (Winter Park) and Duke Energy Florida, LLC (DEF) (collectively, "Parties," or individually a "Party"), is subject to the approval of the Florida Public Service Commission (the "Commission").

**WHEREAS**, Winter Park and DEF are Parties to an existing territorial agreement ("Current Agreement") delineating their respective service territories in Orange County approved by the Commission in Order No. PSC-14-0138-CO-EU, issued March 21, 2014, in Docket No. 130267-EU; and

**WHEREAS**, the Parties desire, pursuant to Article II, Retail Electric Service, to modify the territorial boundaries.

**NOW THEREFORE**, the Parties agree as follows:

1. The territorial boundary modifications are set forth in Attachment 1.
2. Attachment 1 includes updated versions of the following exhibits and shall replace the existing exhibits in the Current Agreement:
  - a. Exhibit A – Maps Depicting The Territorial Boundary Lines And Service Territories of Winter Park and DEF.
    - i. A map demonstrating the proposed boundary modification is provided in a new Exhibit H.
  - b. Exhibit B – Location Of All Extra-Territorial Customers Including Customers Listed On Exhibit C and Exhibit D.
  - c. Exhibit E – Location Of Exhibit C Extra-Territorial Customers

3. In this boundary modification, there are eleven customers (nine commercial and two residential) to be transferred from DEF to Winter Park. These customers are set forth in a new Exhibit F.
4. There are no customers to be transferred from Winter Park to DEF in this First Amendment.
5. The Parties agree, based on sound economic considerations, these boundary modifications will eliminate the uneconomic duplication of facilities, will resolve split parcels due to annexation, as well as create more cohesive boundaries, and will not cause a decrease in reliability to existing or future customers of either Party.
6. Pursuant to Section 6.1: Term, this Current Agreement shall continue and remain in effect for a period of twenty (20) years from the Effective Date. Additionally, the Parties desire that after the expiration of the initial term that this Current Agreement shall remain in effect thereafter unless either Party provides written notice of Termination at least 12 months prior to the termination of the Current Agreement as contemplated by Section 8.3.
7. Upon approval by the Commission, this First Amendment to the Territorial Agreement shall be amended herein.

**IN WITNESS WHEREOF**, each Party hereto has executed this First Amendment by their duly authorized representative on this 27<sup>th</sup> day of September, 2021.

The City of Winter Park	Duke Energy Florida, LLC
<u><i>Randy Knight</i></u>	<u><i>Melissa Seixas</i></u> Melissa Seixas
City Manager	State President
ATTEST: City of Winter Park  <u>/s/ Jennifer Maier</u> Jennifer Maier Procurement Manager	Duke Energy Florida, LLC  ATTEST: <u>/s/ Matthew R. Bernier</u> Matthew R. Bernier Associate General Counsel Attorney for Duke Energy Florida, LLC



# **ATTACHMENT 1**

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**EXHIBIT A**

**EXHIBIT B**

**EXHIBIT E**

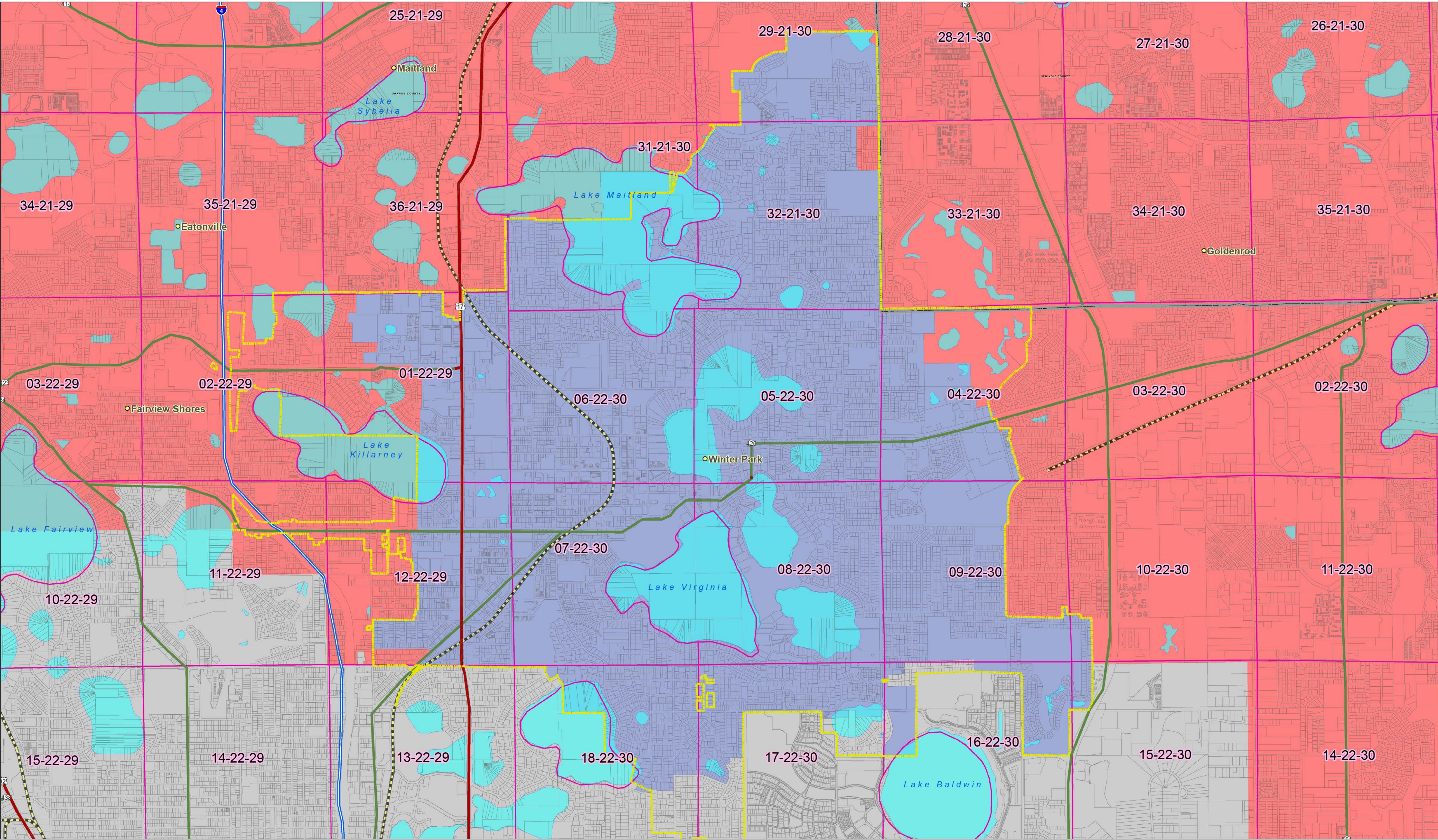
**EXHIBIT F**

**EXHIBIT H**

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**EXHIBIT A**

**MAPS DEPICTING THE  
TERRITORIAL BOUNDARY LINES  
AND SERVICE TERRITORIES OF  
WINTER PARK AND DEF**



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
ORANGE COUNTY  
WINTER PARK CITY BOUNDARY MAP**

- |                            |                     |         |                           |
|----------------------------|---------------------|---------|---------------------------|
| <b>Service Territory</b>   | Limited Access      | Water   | Winter Park City Boundary |
| Not Part of This Agreement | Highway             | Section | City and Place Names      |
| City of Winter Park        | Major Road          | County  |                           |
| Duke Energy Florida        | Major Railroad Line | Parcels |                           |

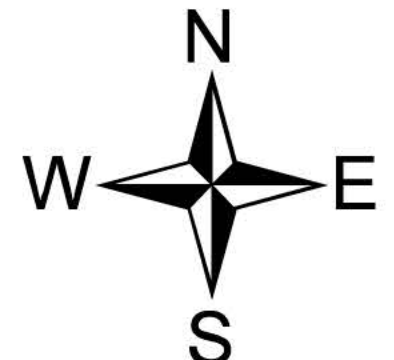
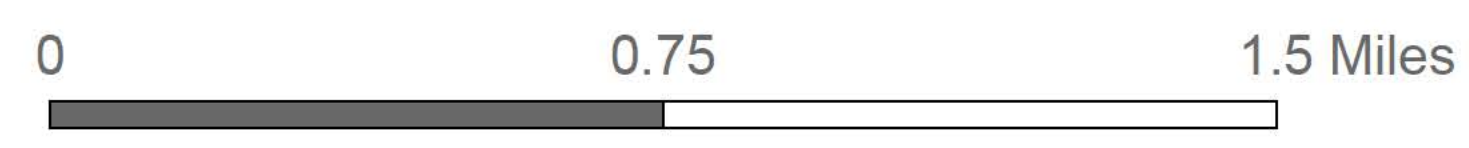
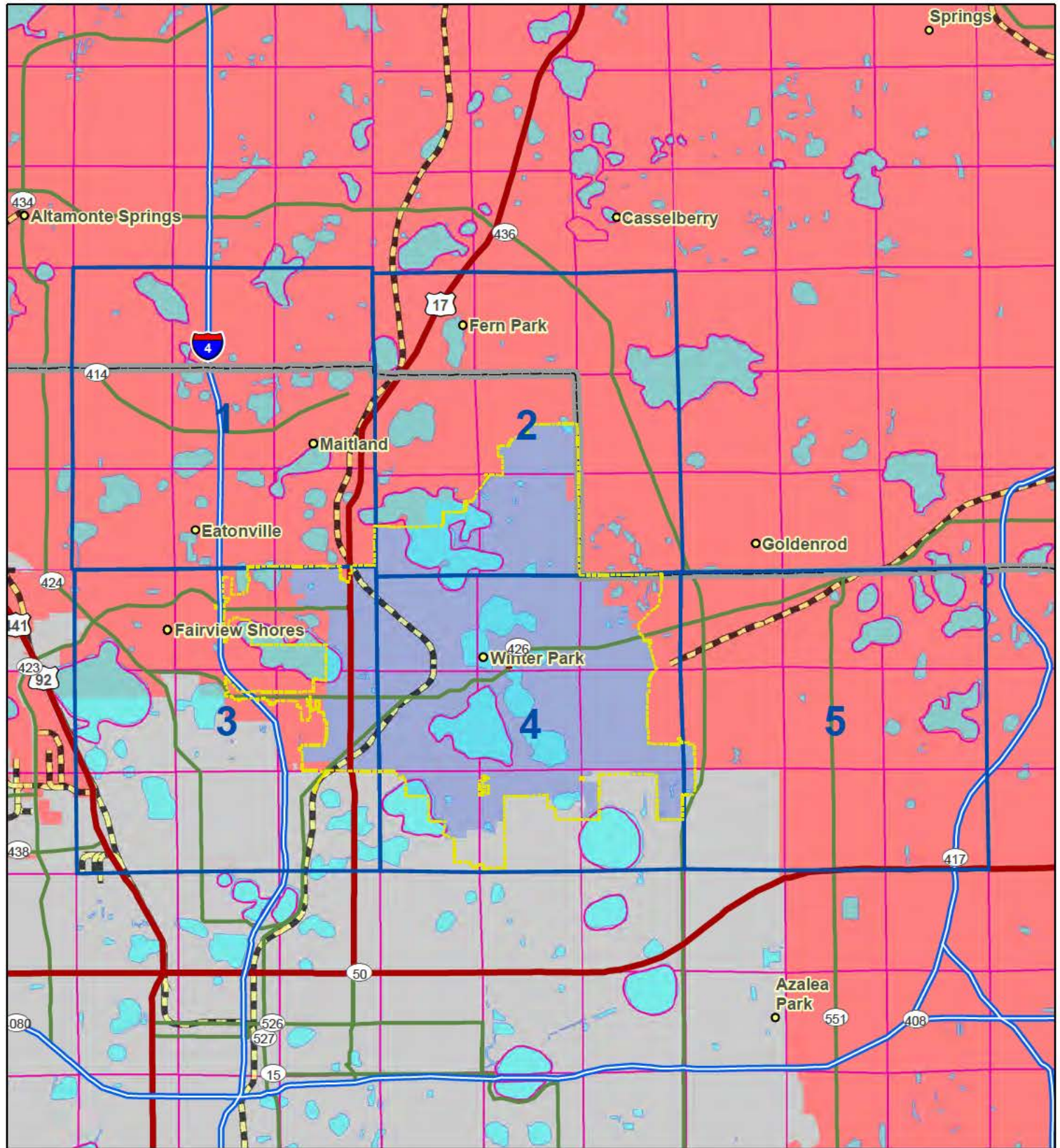


EXHIBIT A

**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
ORANGE COUNTY  
PAGE INDEX**

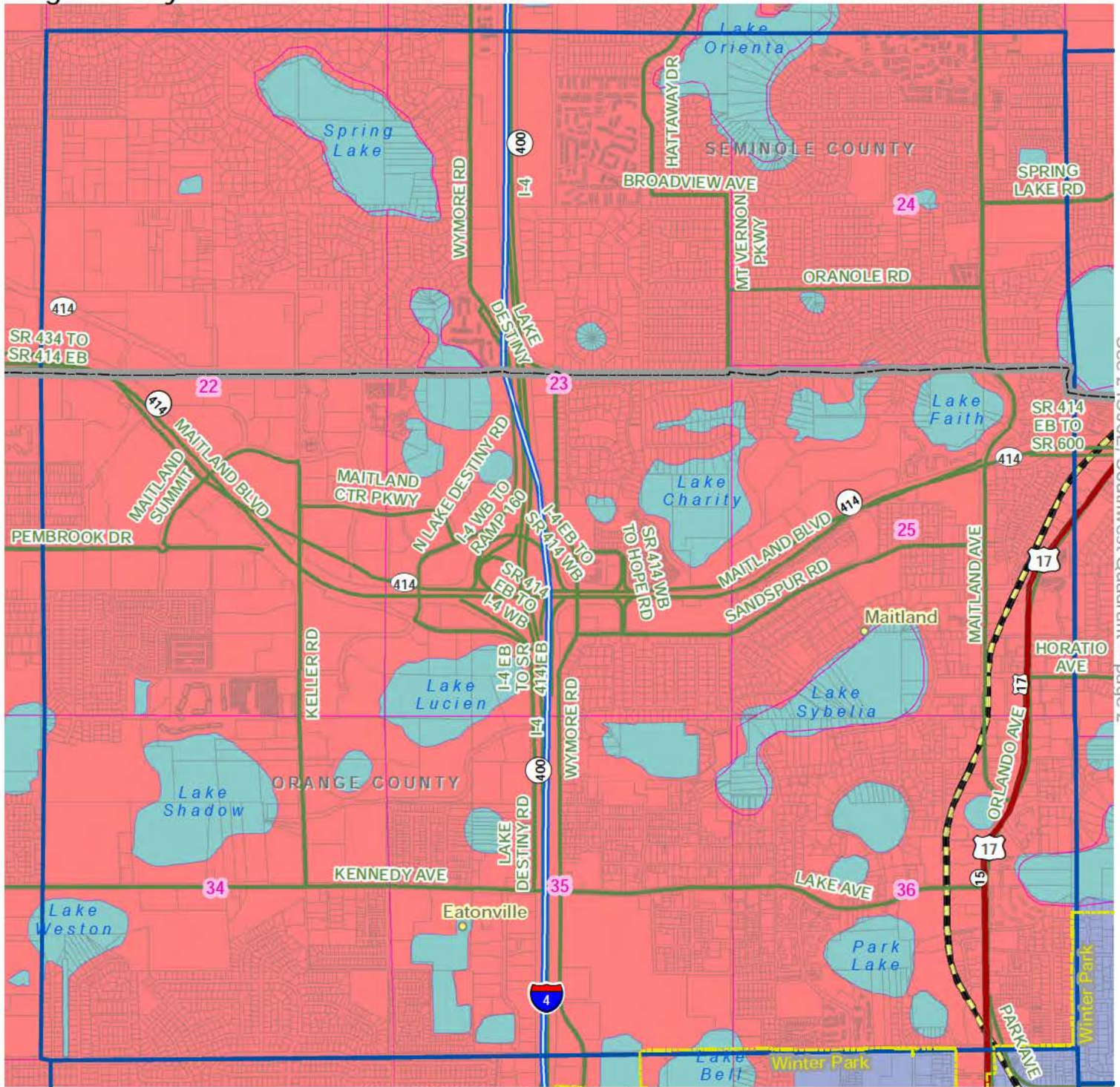
EXHIBIT A



0 1.75 3.5 Miles

- |                            |                     |                      |
|----------------------------|---------------------|----------------------|
| <b>Service Territory</b>   | Limited Access      | Water                |
| Not Part of This Agreement | Highway             | Section              |
| City of Winter Park        | Major Road          | County               |
| Duke Energy Florida        | Major Railroad Line | City and Place Names |



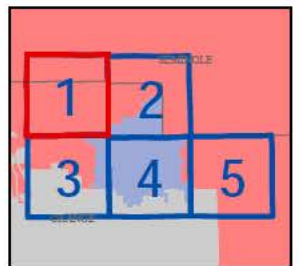


See 21S30E, Southwest Quadrant -- page 2

See 22S29E, Northeast Quadrant -- page 3

- |                            |                     |         |                           |
|----------------------------|---------------------|---------|---------------------------|
| Service Territory          | Limited Access      | Water   | County                    |
| Not Part of This Agreement | Highway             | Section | Winter Park City Boundary |
| City of Winter Park        | Major Road          | Parcels | City and Place Names      |
| Duke Energy Florida        | Major Railroad Line |         |                           |

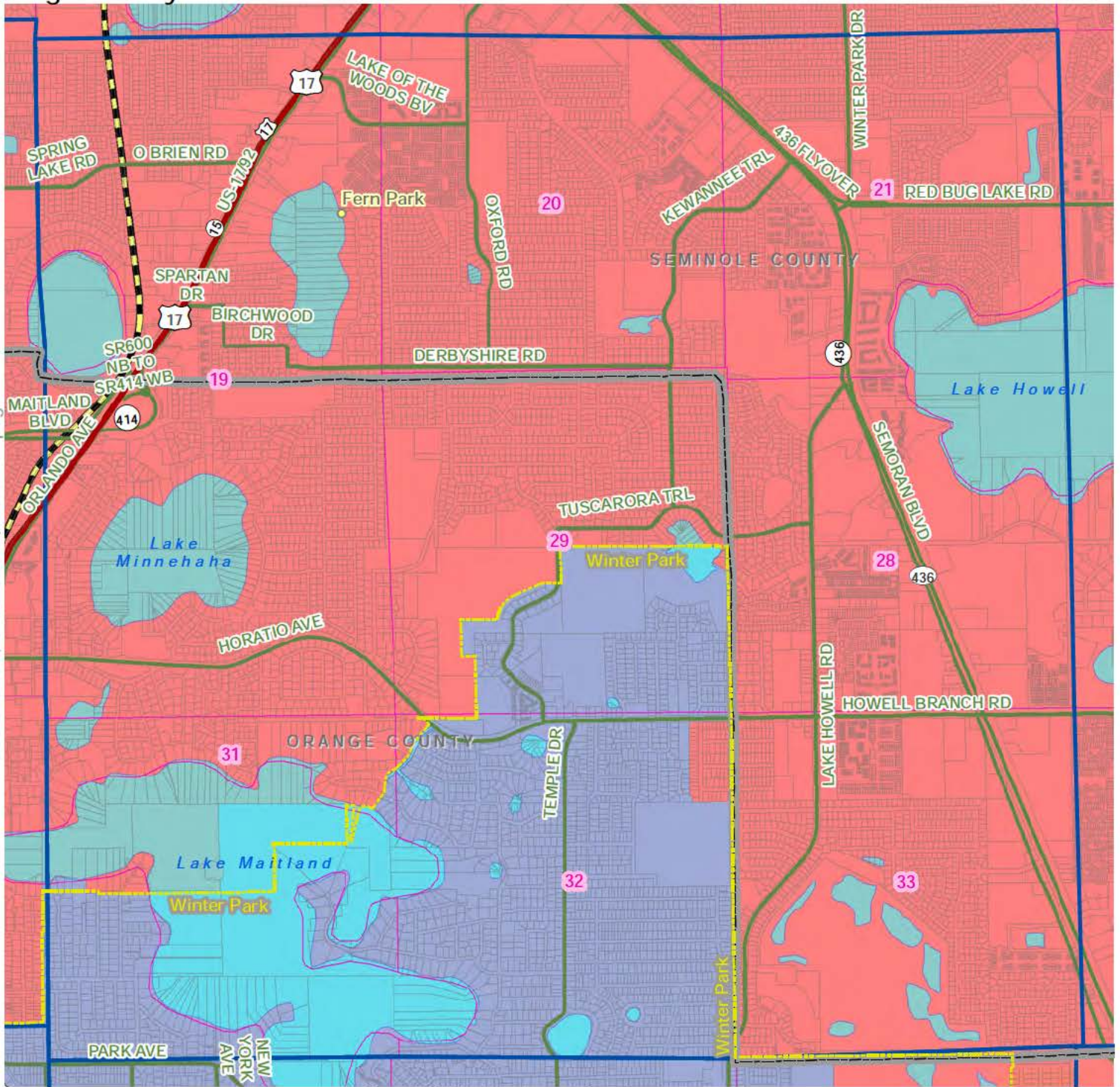
Quadrant: Southeast  
 Township: 21S  
 Range: 29E  
 County: Orange County



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

**EXHIBIT A**

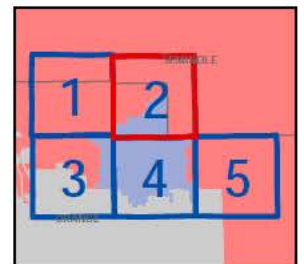
See 21S29E, Southeast Quadrant -- page 1



See 22S30E, Northwest Quadrant -- page 4

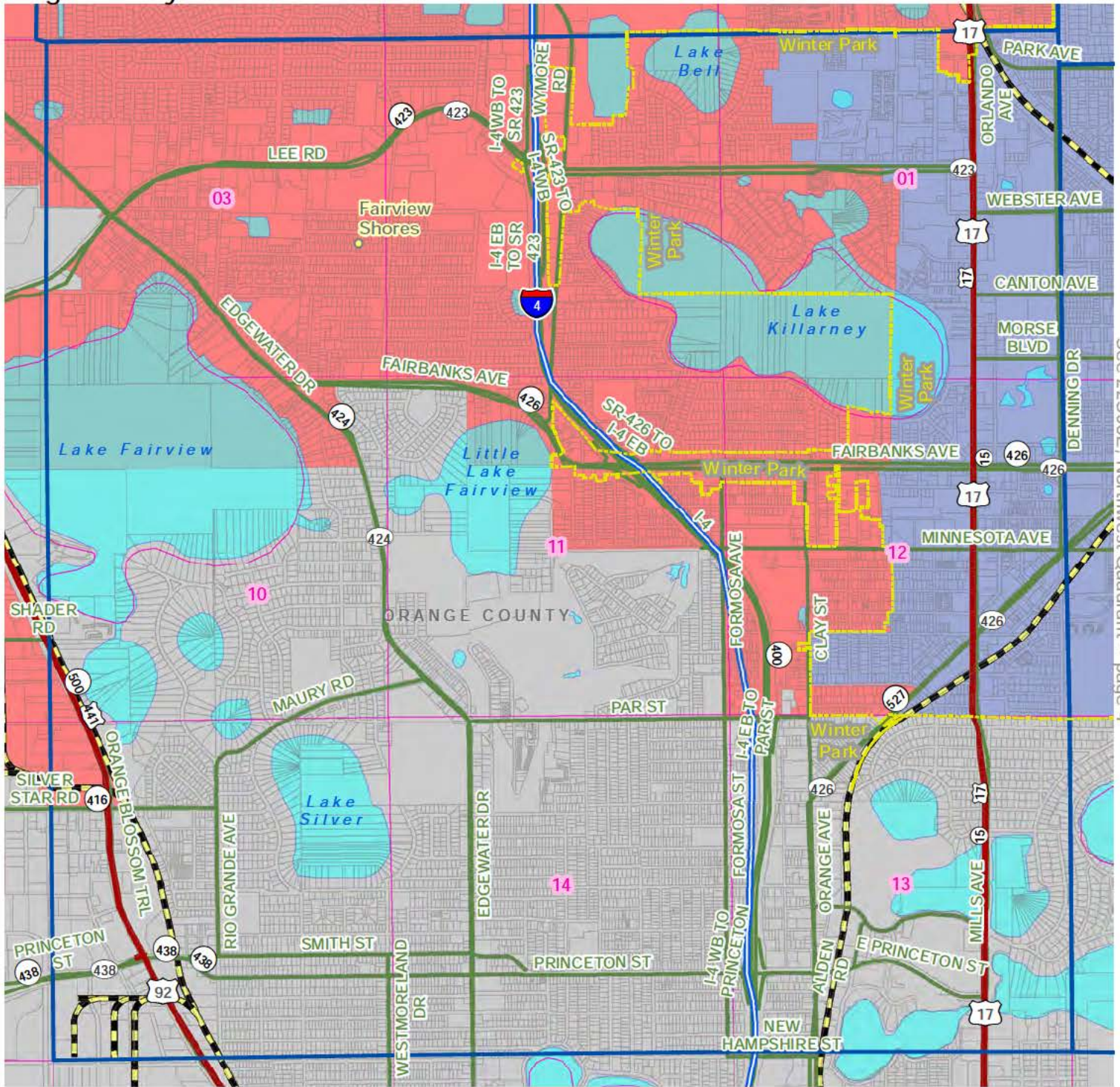
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|----------------------------|---------------------|---------|---------------------------|
| Service Territory          | Limited Access      | Water   | County                    |
| Not Part of This Agreement | Highway             | Section | Winter Park City Boundary |
| City of Winter Park        | Major Road          | Parcels | City and Place Names      |
| Duke Energy Florida        | Major Railroad Line |         |                           |

Quadrant: Southwest  
 Township: 21S  
 Range: 30E  
 County: Orange County



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT**  
Orange County

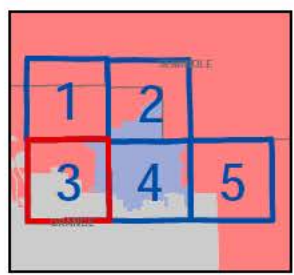
See 21S29E, Southeast Quadrant -- page 1



See 22S30E, Northwest Quadrant -- page 4

- |                            |                     |         |                           |
|----------------------------|---------------------|---------|---------------------------|
| Service Territory          | Limited Access      | Water   | County                    |
| Not Part of This Agreement | Highway             | Section | Winter Park City Boundary |
| City of Winter Park        | Major Road          | Parcels | City and Place Names      |
| Duke Energy Florida        | Major Railroad Line |         |                           |

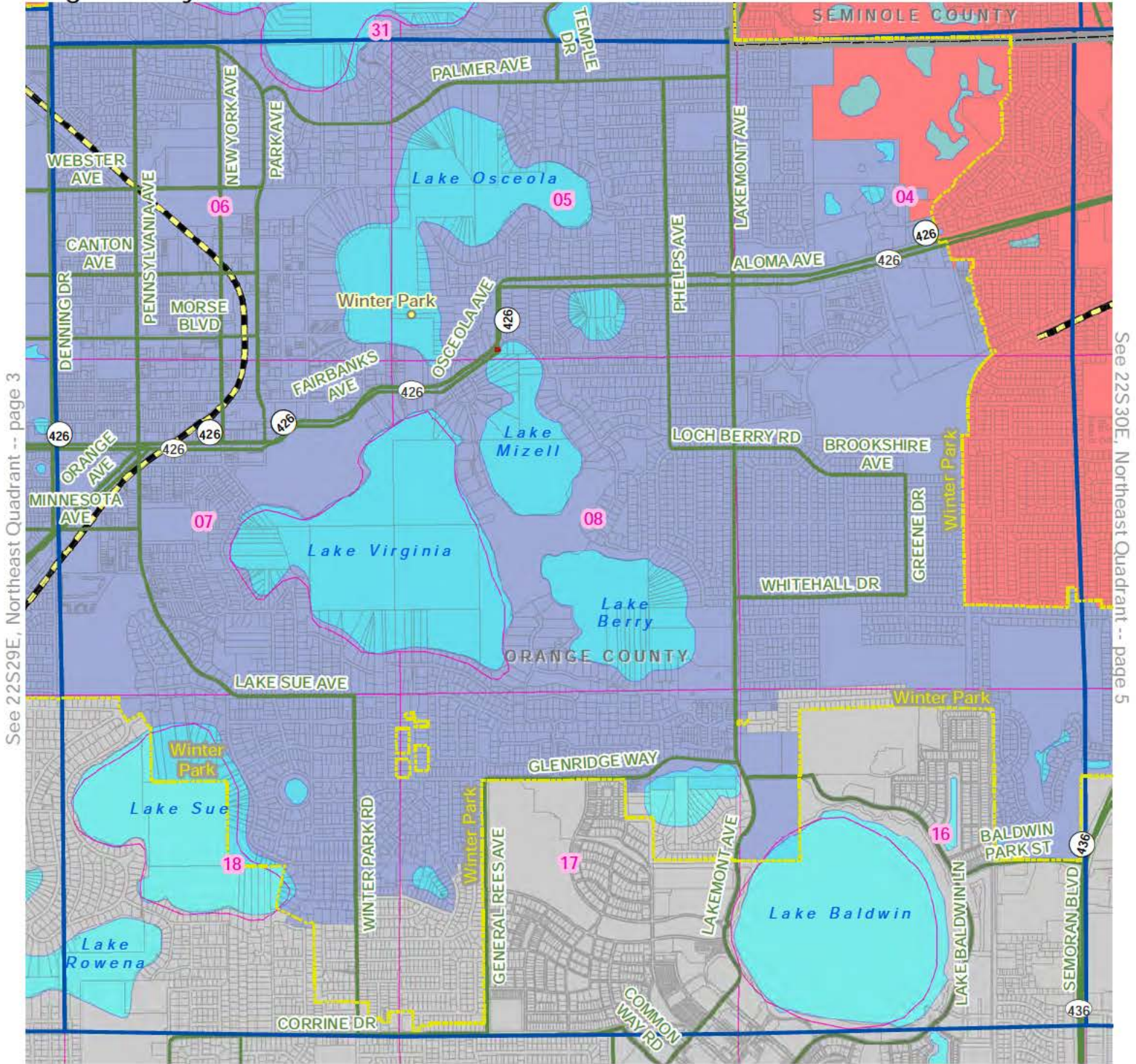
Quadrant: Northeast  
Township: 22S  
Range: 29E  
County: Orange County



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

**EXHIBIT A**

See 21S30E, Southwest Quadrant -- page 2

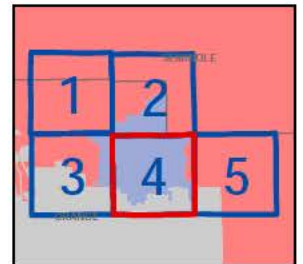


See 22S29E, Northeast Quadrant -- page 3

See 22S30E, Northeast Quadrant -- page 5

- |                            |                     |         |                           |
|----------------------------|---------------------|---------|---------------------------|
| Service Territory          | Limited Access      | Water   | County                    |
| Not Part of This Agreement | Highway             | Section | Winter Park City Boundary |
| City of Winter Park        | Major Road          | Parcels | City and Place Names      |
| Duke Energy Florida        | Major Railroad Line |         |                           |

Quadrant: Northwest  
 Township: 22S  
 Range: 30E  
 County: Orange County

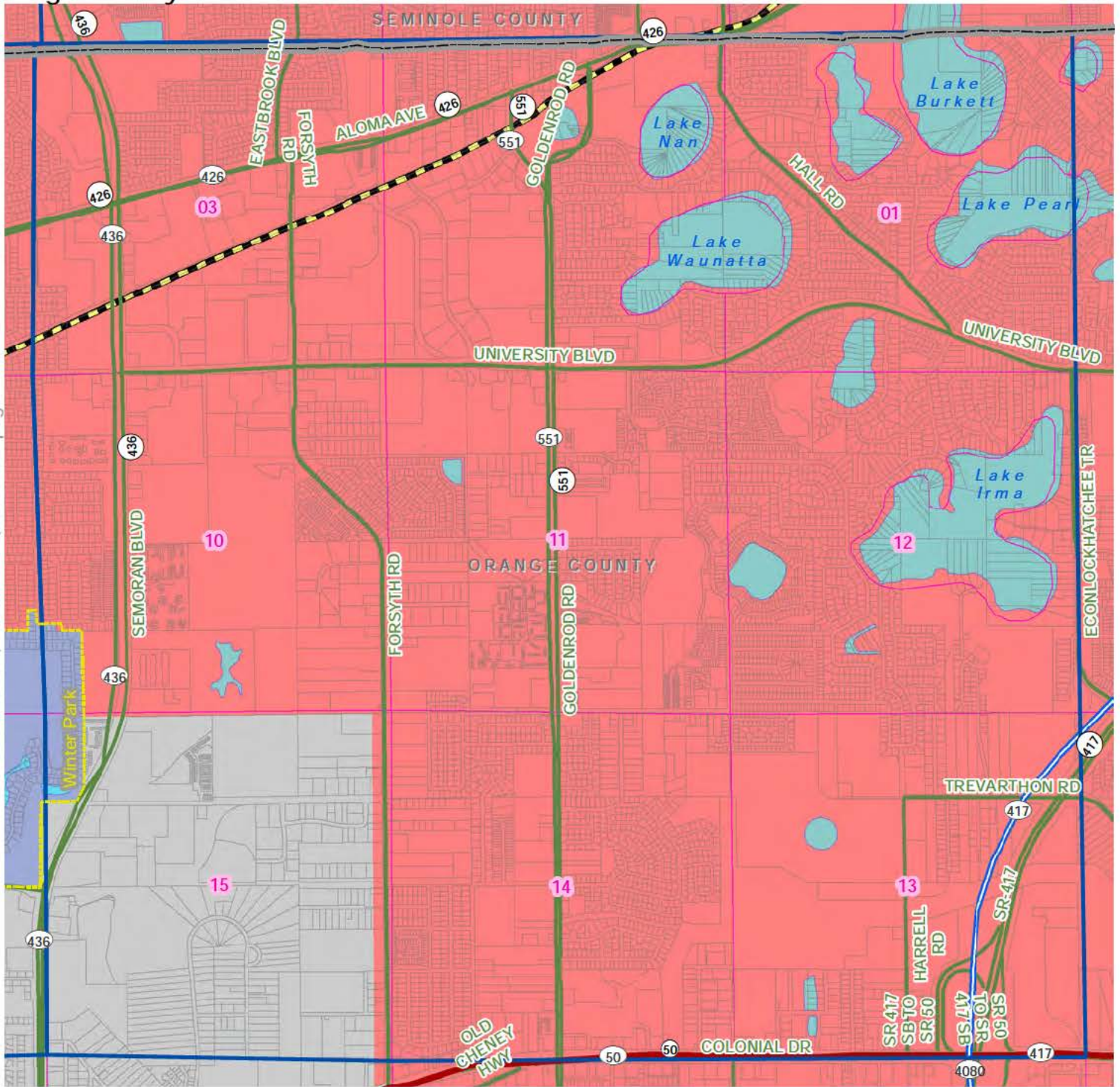




**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

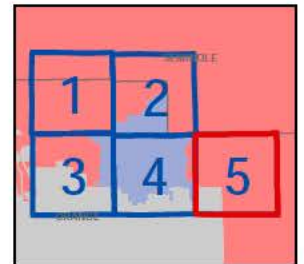
**EXHIBIT A**

See 22S30E, Northwest Quadrant -- page 4



- |                            |                     |         |                           |
|----------------------------|---------------------|---------|---------------------------|
| Service Territory          | Limited Access      | Water   | County                    |
| Not Part of This Agreement | Highway             | Section | Winter Park City Boundary |
| City of Winter Park        | Major Road          | Parcels | City and Place Names      |
| Duke Energy Florida        | Major Railroad Line |         |                           |

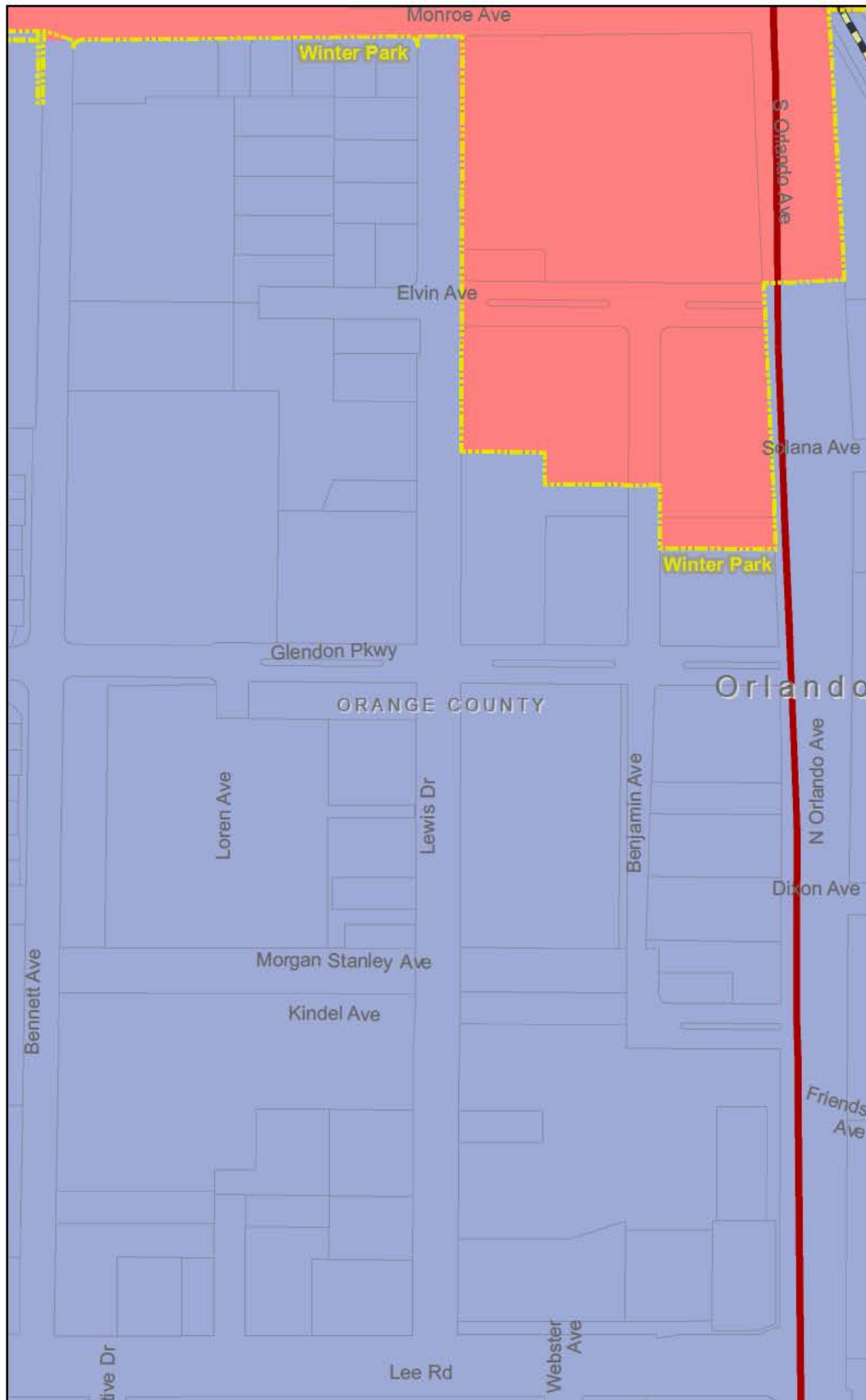
Quadrant: Northeast  
 Township: 22S  
 Range: 30E  
 County: Orange County



## **EXHIBIT B**

### **LOCATION OF ALL EXTRA-TERRITORIAL CUSTOMERS INCLUDING CUSTOMERS LISTED ON EXHIBIT C AND EXHIBIT D**

**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
ORANGE COUNTY  
EXHIBIT B**



**Service Territory**

- Not Part of This Agreement
- City of Winter Park
- Duke Energy Florida

Limited Access

- Highway
- Major Road
- Major Railroad Line

Winter Park City Boundary

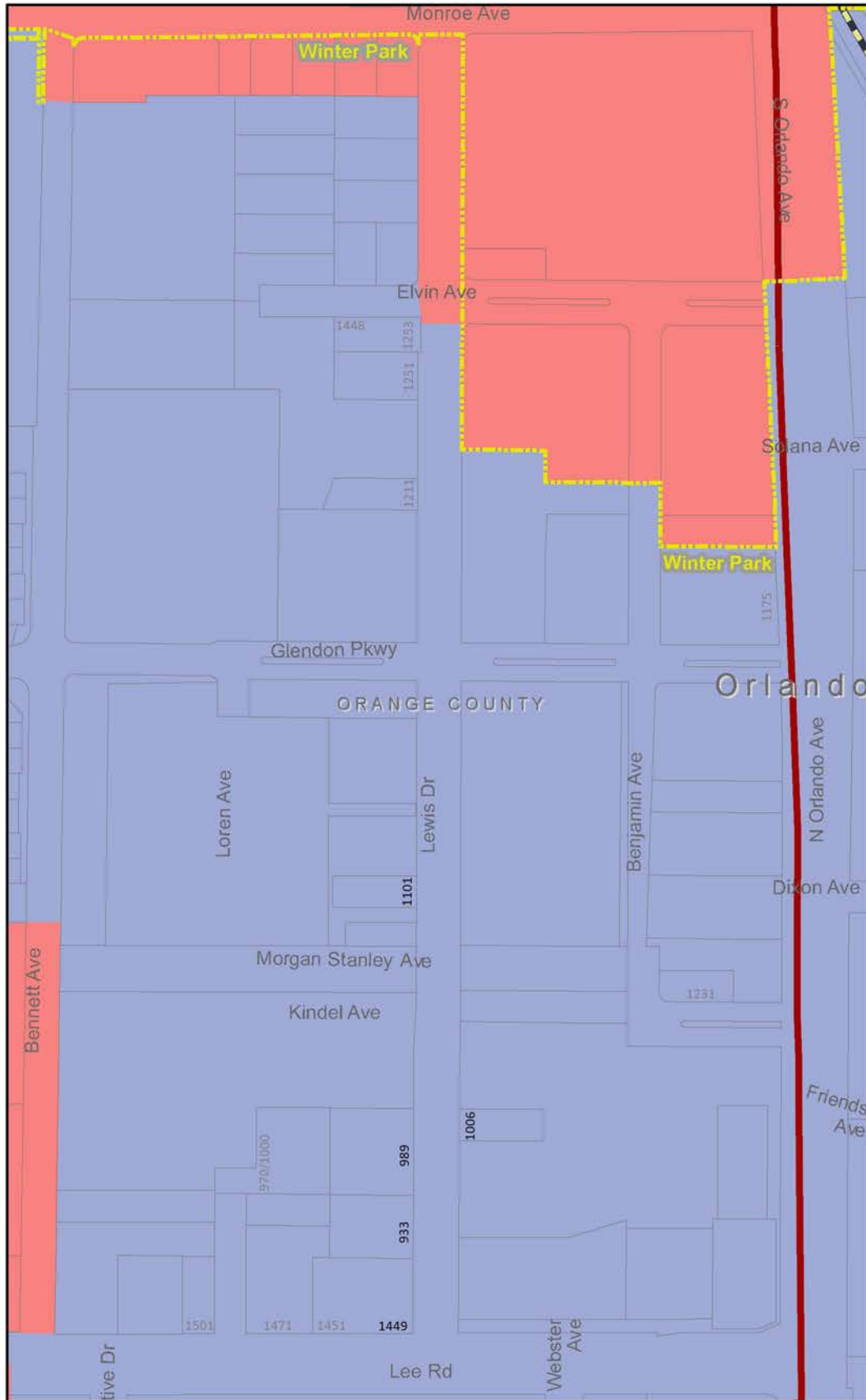
City and Place Names

0                      0.05                      0.1 Miles



**LOCATION OF EXHIBIT C  
EXTRA-TERRITORIAL  
CUSTOMERS**

**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
ORANGE COUNTY  
EXHIBIT E**



**Service Territory**

- Not Part of This Agreement
- City of Winter Park
- Duke Energy Florida

Limited Access

- Highway
- Major Road
- Major Railroad Line

Winter Park City Boundary

City and Place Names

0 0.05 0.1 Miles



**EXHIBIT F**

**EXTRA-TERRITORIAL CUSTOMERS  
SUBJECT TO TRANSFER  
FROM  
DEF TO THE  
CITY OF WINTER PARK**

## EXHIBIT F

### EXTRA-TERRITORIAL CUSTOMERS SUBJECT TO TRANSFER FROM DEF TO THE CITY OF WINTER PARK

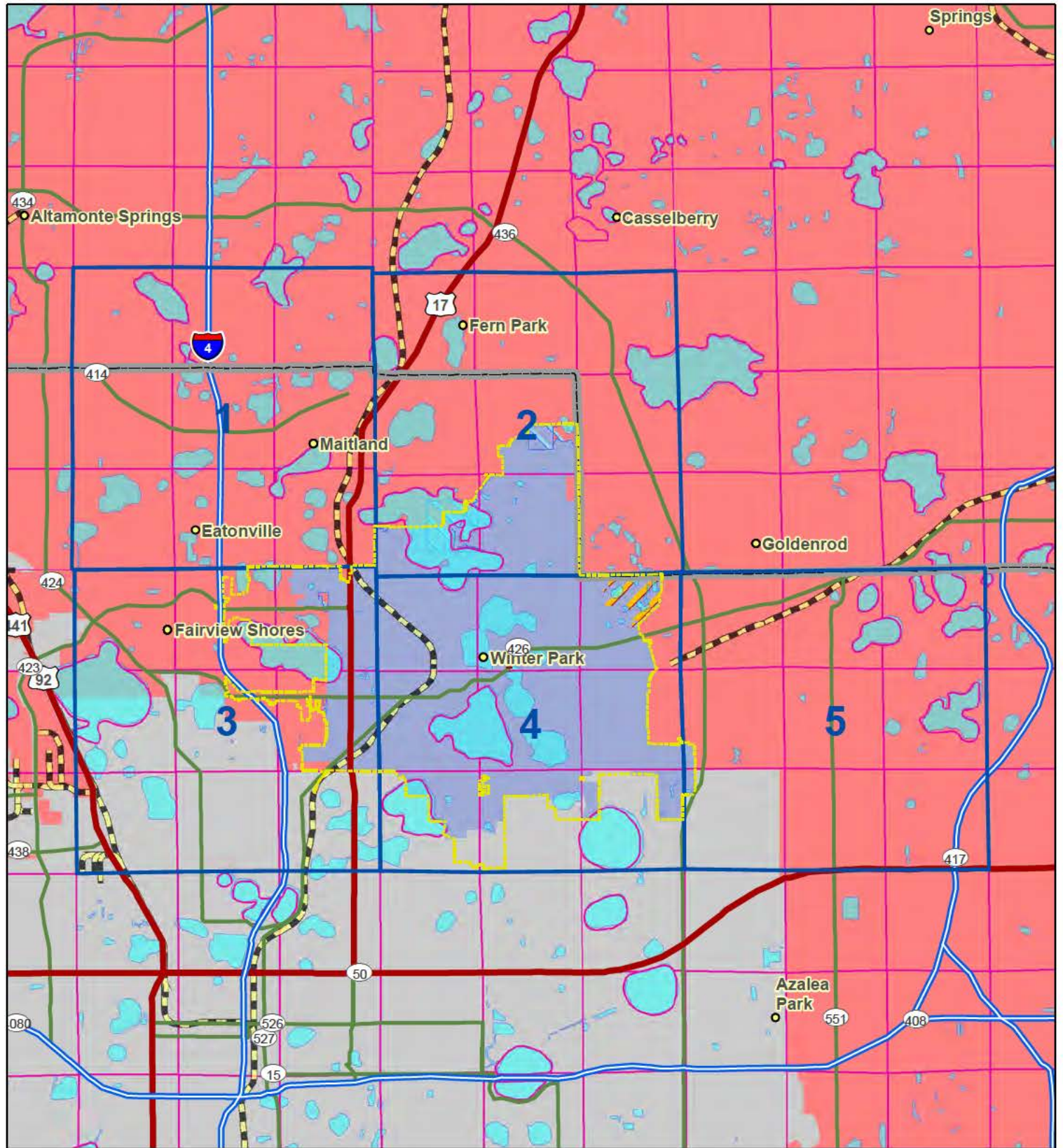
No.	Premise Address	Customer Type	Premise No.
1	1601 LEE RD, WINTER PARK, FL 32789	COMMERCIAL	474644884
2	1601 LEE RD, WINTER PARK, FL 32789	COMMERCIAL	504587468
3	1601 LEE RD *TWR, WINTER PARK, FL 32789	COMMERCIAL	172232941
4	933 BENNETT AVE *TWR, WINTER PARK, FL 32789	COMMERCIAL	97419148
5	1492 W FAIRBANKS AVENUE, WINTER PARK, FL 32789	COMMERCIAL	713211129
6	650 NICOLET AVENUE, WINTER PARK, FL 32789	COMMERCIAL	55965792
7	1500 INDIANA AVENUE, WINTER PARK, FL 32789	RESIDENTIAL	615296703

**MAPS DEMONSTRATING THE PROPOSED  
BOUNDARY MODIFICATIONS**



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
ORANGE COUNTY  
PAGE INDEX**

EXHIBIT H



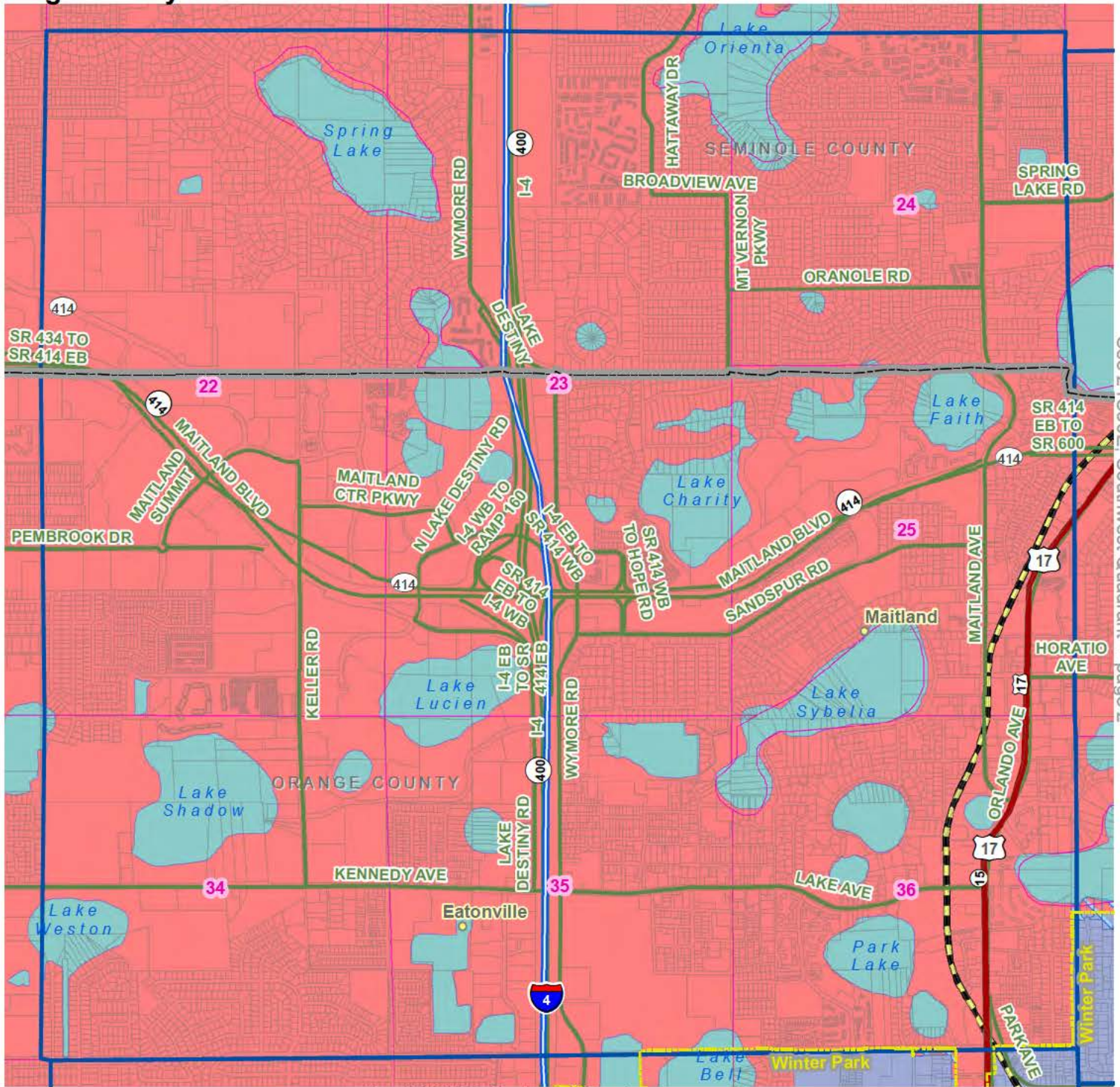
0 1.75 3.5 Miles

- |                            |                           |                     |                      |
|----------------------------|---------------------------|---------------------|----------------------|
| <b>Service Territory</b>   | <b>Proposed Revisions</b> | Limited Access      | Water                |
| Not Part of This Agreement | City of Winter Park       | Highway             | Section              |
| City of Winter Park        | Duke Energy Florida       | Major Road          | County               |
| Duke Energy Florida        |                           | Major Railroad Line | City and Place Names |



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

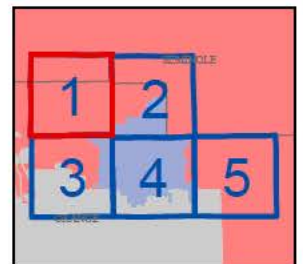
EXHIBIT H



See 22S29E, Northeast Quadrant -- page 3

- |                            |                           |                       |              |                           |
|----------------------------|---------------------------|-----------------------|--------------|---------------------------|
| <b>Service Territory</b>   | <b>Proposed Revisions</b> | <b>Limited Access</b> | <b>Water</b> | <b>County</b>             |
| Not Part of This Agreement | City of Winter Park       | Highway               | Section      | Winter Park City Boundary |
| City of Winter Park        | Duke Energy Florida       | Major Road            | Parcels      | City and Place Names      |
| Duke Energy Florida        |                           | Major Railroad Line   |              |                           |

**Quadrant:** Southeast  
**Township:** 21S  
**Range:** 29E  
**County:** Orange County

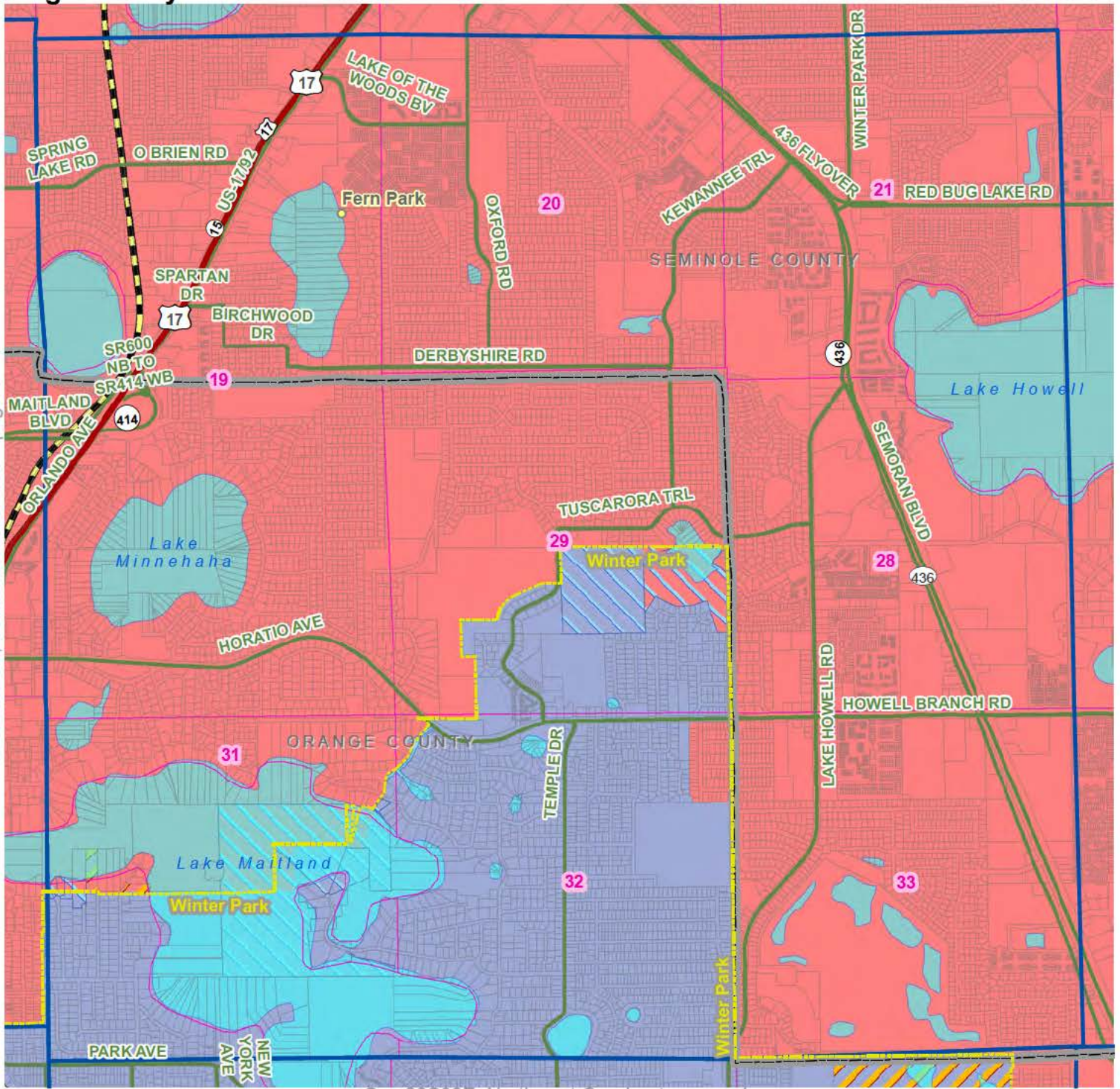


See 21S30E Southwest Quadrant -- page 2

**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

EXHIBIT H

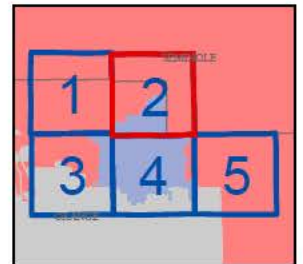
See 21S29E, Southeast Quadrant -- page 1



See 22S30E, Northwest Quadrant -- page 4

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|----------------------------|---------------------------|-----------------------|--------------|---------------------------|
| <b>Service Territory</b>   | <b>Proposed Revisions</b> | <b>Limited Access</b> | <b>Water</b> | <b>County</b>             |
| Not Part of This Agreement | City of Winter Park       | Highway               | Section      | Winter Park City Boundary |
| City of Winter Park        | Duke Energy Florida       | Major Road            | Parcels      | City and Place Names      |
| Duke Energy Florida        |                           | Major Railroad Line   |              |                           |

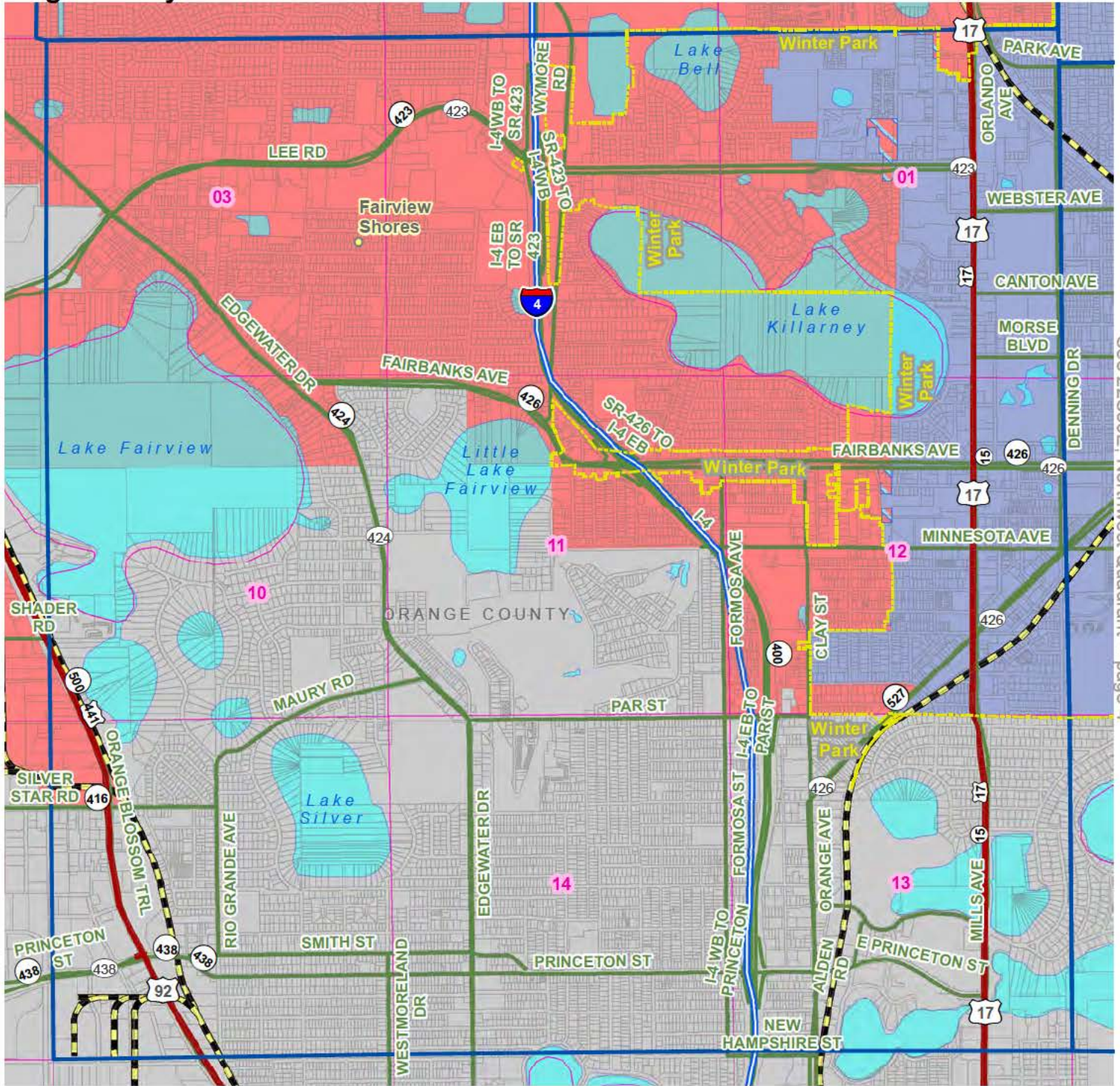
**Quadrant:** Southwest  
**Township:** 21S  
**Range:** 30E  
**County:** Orange County



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

EXHIBIT H

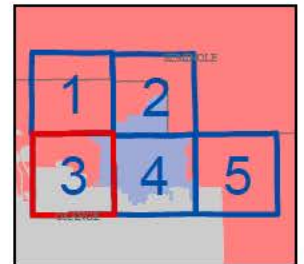
See 21S29E, Southeast Quadrant -- page 1



See 22S30E, Northwest Quadrant -- page 4

- |                            |                           |                       |              |                           |
|----------------------------|---------------------------|-----------------------|--------------|---------------------------|
| <b>Service Territory</b>   | <b>Proposed Revisions</b> | <b>Limited Access</b> | <b>Water</b> | <b>County</b>             |
| Not Part of This Agreement | City of Winter Park       | Highway               | Section      | Winter Park City Boundary |
| City of Winter Park        | Duke Energy Florida       | Major Road            | Parcels      | City and Place Names      |
| Duke Energy Florida        |                           | Major Railroad Line   |              |                           |

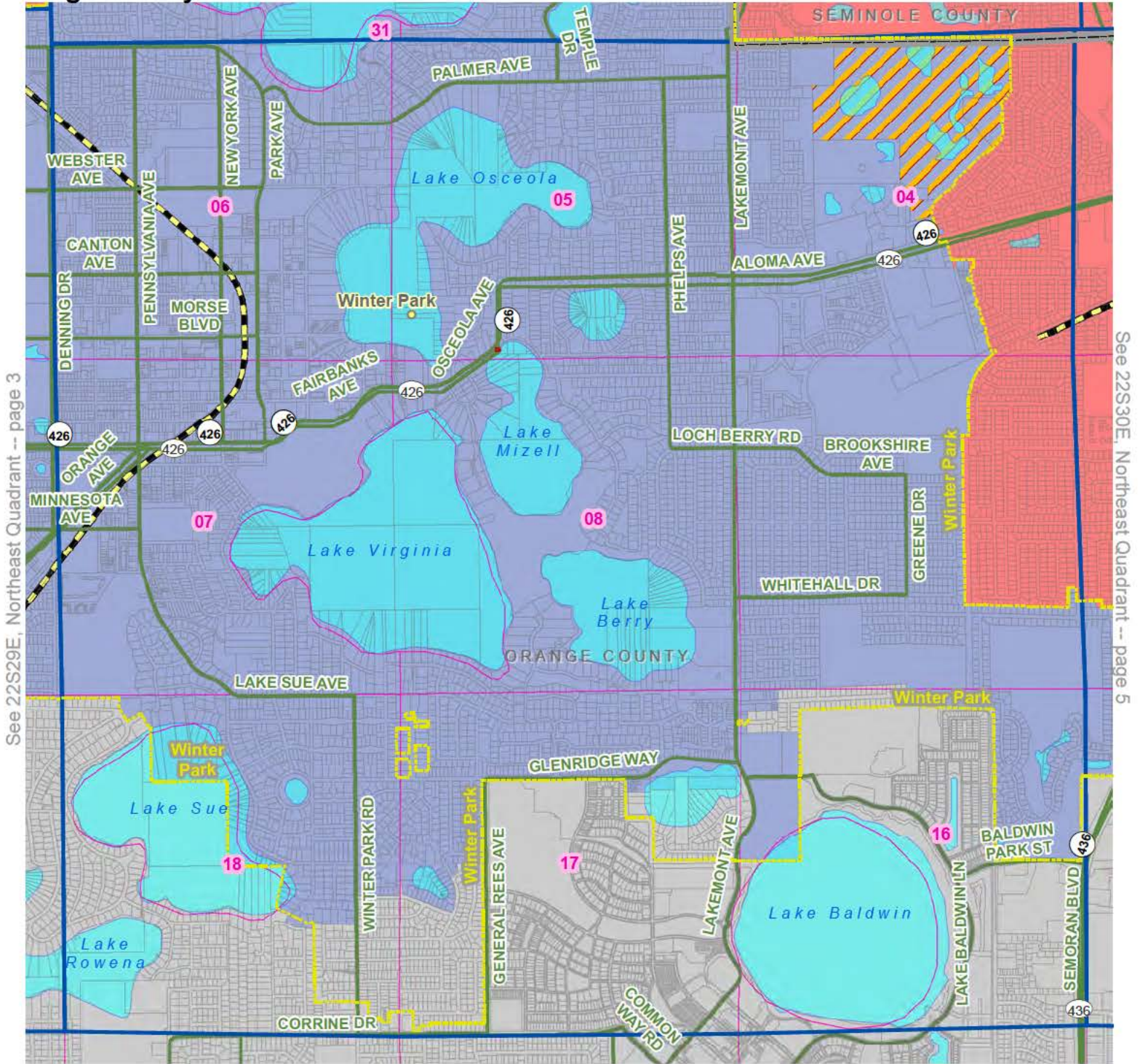
**Quadrant:** Northeast  
**Township:** 22S  
**Range:** 29E  
**County:** Orange County



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

EXHIBIT H

See 21S30E, Southwest Quadrant -- page 2

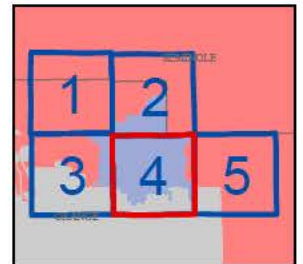


See 22S29E, Northeast Quadrant -- page 3

See 22S30E, Northeast Quadrant -- page 5

- |                            |                           |                       |              |                           |
|----------------------------|---------------------------|-----------------------|--------------|---------------------------|
| <b>Service Territory</b>   | <b>Proposed Revisions</b> | <b>Limited Access</b> | <b>Water</b> | <b>County</b>             |
| Not Part of This Agreement | City of Winter Park       | Highway               | Section      | Winter Park City Boundary |
| City of Winter Park        | Duke Energy Florida       | Major Road            | Parcels      | City and Place Names      |
| Duke Energy Florida        |                           | Major Railroad Line   |              |                           |

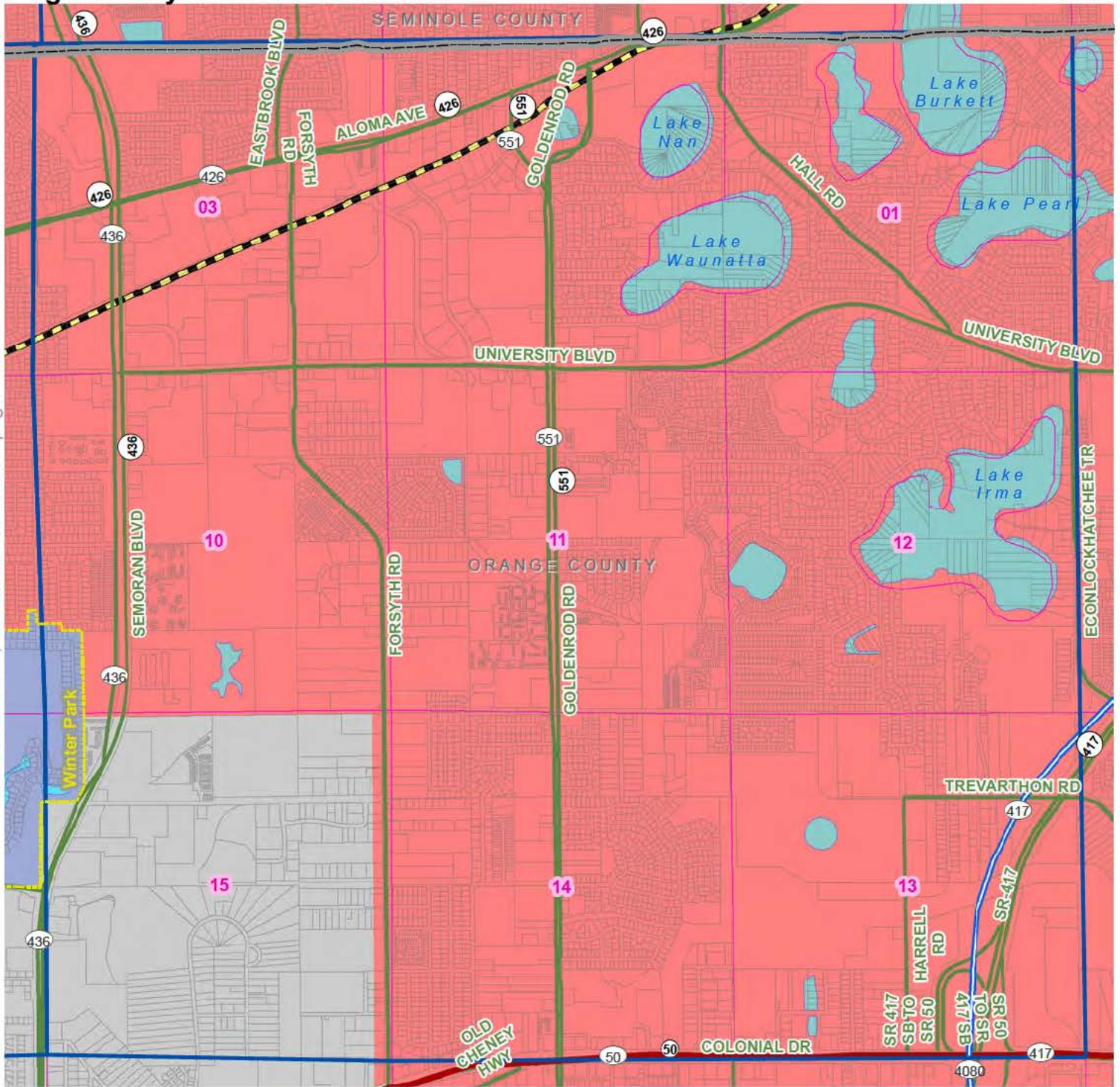
**Quadrant:** Northwest  
**Township:** 22S  
**Range:** 30E  
**County:** Orange County



**DUKE ENERGY - CITY OF WINTER PARK  
TERRITORIAL AGREEMENT  
Orange County**

EXHIBIT H

See 22S30E, Northwest Quadrant -- page 4



- |                            |                           |                       |              |                           |
|----------------------------|---------------------------|-----------------------|--------------|---------------------------|
| <b>Service Territory</b>   | <b>Proposed Revisions</b> | <b>Limited Access</b> | <b>Water</b> | <b>County</b>             |
| Not Part of This Agreement | City of Winter Park       | Highway               | Section      | Winter Park City Boundary |
| City of Winter Park        | Duke Energy Florida       | Major Road            | Parcels      | City and Place Names      |
| Duke Energy Florida        |                           | Major Railroad Line   |              |                           |

**Quadrant:** Northeast  
**Township:** 22S  
**Range:** 30E  
**County:** Orange County

