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Public Service Commission

November 14, 2025

Matthew R. Bernier
Stephanie A. Cuello
106 East College Avenue
Suite 800
Tallahassee, Florida 32301
matt.bernier@duke-energy.com
stephanie.cuello@duke-energy.com

STAFF'S FIRST DATA REQUEST *via email*

Re: Docket No. 20250124-EU - 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.

Dear Mr. Bernier/Ms. Cuello:

By this letter, the Commission staff requests that Duke Energy Florida, LLC (DEF) provide responses to the following data requests:

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?

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).
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.
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.
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).
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,

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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.

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.

Please file all responses electronically no later than November 24, 2025, through the Commission's website at www.floridapsc.com, by selecting the Clerk's Office tab and Electronic Filing Web Form. *In addition, please email the filed response to discovery-gcl@psc.state.fl.us.*

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Please feel free to call me at (850) 413-6199 if you have any questions.

Sincerely,

/s/ Major R. Thompson

Major R. Thompson

Senior Attorney

MRT/crv

cc: Office of Commission Clerk