

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a limited proceeding to  
approve third solar base rate adjustment, by  
Duke Energy Florida, LLC.

DOCKET NO. 20200245-EI  
ORDER NO. PSC-2021-0042-PCO-EI  
ISSUED: January 25, 2021

The following Commissioners participated in the disposition of this matter:

GARY F. CLARK, Chairman  
ART GRAHAM  
JULIE I. BROWN  
ANDREW GILES FAY  
MIKE LA ROSA

ORDER SUSPENDING DUKE ENERGY FLORIDA, LLC'S TARIFF

BY THE COMMISSION:

**Background**

On November 18, 2020, Duke Energy Florida, LLC (DEF or utility) filed a petition requesting approval of its third Solar Base Rate Adjustment (SoBRA) in compliance with Order No. PSC-2017-0451-AS-EU (2017 Order).<sup>1</sup> In the petition, DEF requests approval of a base rate adjustment for five new solar facilities, and the corresponding modifications to its rate tariffs.

We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.06, 366.071, 366.072, and 366.076 Florida Statutes (F.S.).

**Decision**

In the 2017 Order, we approved DEF's Second Revised and Restated Settlement Agreement, which allows for the inclusion into base rates of up to 700 megawatts (MW) of solar projects which meet certain criteria through a SoBRA mechanism. This third SoBRA includes five projects, proposes recovery for the entire remaining capacity allocation approved by the 2017 Order, and raises numerous issues that must be fully analyzed. We find it appropriate to suspend the tariff to allow staff the necessary time to review the petition and gather all pertinent information in order to present us with an informed recommendation on the proposed tariff modifications.

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<sup>1</sup> Order No. PSC-2017-0451-AS-EU, issued November 20, 2017, in Docket No. 170183-EI, *In re: Application for limited proceeding to approve 2017 second revised and restated settlement agreement, including certain rate adjustments, by Duke Energy Florida, LLC.*

Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of the new rate schedules, delivering to the utility requesting such a change, a reason or written statement of good cause for doing so within 60 days. We find that the reason stated above is a good cause consistent with the requirement of Section 366.06(3), F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Duke Energy Florida, LLC's proposed rate tariffs, which were submitted with and correspond to the pending request for approval of the third Solar Base Rate Adjustment, are suspended. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 25th day of January, 2021.



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ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
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Tallahassee, Florida 32399  
(850) 413-6770  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SPS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.