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March 10, 2023

VIA: ELECTRONIC FILING

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

Re: Joint Petition for Approval of First Amendment to a Territorial Agreement by Tampa Electric Company and City of Bartow
FPSC Docket No. 20230012-EI

Dear Mr. Teitzman:

Attached for filing in the above docket is Tampa Electric Company and City of Bartow's responses to Staff's First Data Request (Nos.1-2), propounded on March 1, 2023.

Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Malcolm N. Means'.

Malcolm N. Means

MNM/bml
Attachment

cc: All Parties of Record (w/encl.)

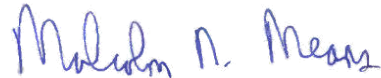
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing responses, filed on behalf of Tampa Electric Company and City of Bartow, have been furnished by electronic mail on this 10th day of March 2023 to the following:

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ATTORNEY

**TAMPA ELECTRIC COMPANY
DOCKET NO. 20230012-EU
STAFF'S FIRST DATA REQUEST
REQUEST NO. 1
BATES PAGE(S): 1-2
FILED: MARCH 10, 2023**

1. Please explain why the original 1985 agreement was not amended to reflect the proposed boundary change and titled "First Amendment to Territorial Agreement between TECO and Bartow". Please reference the petition in Docket No. 20200116-GU as an example.

A. The 1985 Territorial Agreement between Tampa Electric and the City of Bartow ("Petitioners") generally consists of two components. The first is a set of terms and conditions governing issues such as the term of the agreement, wholesale electricity sales, provision of service to phosphate customers, etc. The other component of the agreement consists of a legal description and map that establish the location of the territorial boundary line between the Petitioners.

Through this Petition, the Petitioners do not propose any changes to the first component of the 1985 Territorial Agreement (*i.e.* the terms and conditions). Instead, as explained in Paragraph 26 of the Petition, the Petitioners are only seeking to modify the boundary line component. Furthermore, this proposed change is limited to adjusting the boundary line only in a single location – within the Ranches at Lake McLeod subdivision.

The petition in Docket No. 20200116, on the other hand, proposed changes to the terms and conditions of the territorial agreement at issue in that docket. For instance, the parties there proposed to extend the term of the agreement, to delete a provision, and to change the frequency of reports to the Commission, among other things. See DN 01732-2020, at ¶ 8-9. The parties accordingly executed written changes to these terms and conditions.

Here, as mentioned above, the Petitioners do not propose any changes to the terms and conditions of the agreement. This Petition is thus more akin to past dockets where Tampa Electric and a counterparty agreed to amend only a territorial boundary line in a single location to accommodate new development.

In Order No. PSC-2022-0117-PAA-EU,¹ the Commission approved an amendment to the territorial agreement between Tampa Electric Company and Withlacoochee River Electric Cooperative ("WREC"). There, the parties proposed to amend the territorial agreement solely to adjust the territorial boundary line within the new Two Rivers Ranch subdivision. In the Order approving this amendment, the Commission noted that the original terms and conditions of the agreement remained unmodified. See Order No. PSC-2022-0117-PAA-EU, page 2; see also Attachment A (unmodified, original territorial

¹ See also Order No. PSC-2022-0138-CO-EU (consummating order).

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agreement). The Commission also approved, however, a map depicting the adjusted boundary line within Two Rivers Ranch. See Attachment B to Order No. PSC-2022-0117-PAA-EU.

The Commission entered a similar order with respect to the Tampa Electric-WREC territorial agreement in 2017, when the parties also proposed to amend the agreement solely to adjust one segment of the territorial boundary line. There, the Commission noted that “all other aspects of the territorial agreement approved in 1990 and amended in 2006 remain the same.” See Order No. PSC-17-0241-PAA-EU, at 2.² The Commission then attached the original, unmodified 1990 territorial agreement as Attachment A and a map depicting the approved boundary line adjustment as Attachment B.

These two amendments to the Tampa Electric-WREC territorial boundary are also distinguishable from Order No. PSC-14-0268-PAA-EU, where Tampa Electric and City of Lakeland re-examined the entire boundary line and adjusted it in multiple non-adjacent locations, then codified those changes in a written amendment.

² See *also* Order No. PSC-2017-0277-CO-EU (consummating order).

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REQUEST NO. 2
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2. Exhibit A shows the original 1985 territorial agreement between Tampa Electric Company and City of Bartow. Please provide a copy of the agreement amended to reflect the proposed changes. If the parties believe that an amendment to the current territorial agreement is unnecessary, please explain why.
 - A. As described in the company's response to Data Request No. 1, Tampa Electric and the City of Bartow did not execute a new territorial agreement because the Petitioners do not propose any changes to the terms and conditions of the agreement. The Petitioners do not believe a new territorial agreement is necessary, but instead propose that the Commission could approve the Florida Department of Transportation map included as Exhibit C to the Petition as a modification to the existing territorial boundary line described in the original agreement. See Order No. PSC-2022-0117-PAA-EU; Order No. PSC-17-0241-PAA-EU.