

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric  
conservation goals (Duke Energy Florida,  
LLC).

DOCKET NO. 20240013-EG  
ORDER NO. PSC-2024-0429-FOF-EG  
ISSUED: September 20, 2024

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman  
ART GRAHAM  
GARY F. CLARK  
ANDREW GILES FAY  
GABRIELLA PASSIDOMO

FINAL ORDER APPROVING NUMERIC CONSERVATION GOALS  
FOR DUKE ENERGY FLORIDA, LLC

APPEARANCES:

DIANNE M. TRIPLETT, MATTHEW R. BERNIER and STEPHANIE A.  
CUELLO, ESQUIRES, 299 First Avenue North, St. Petersburg, Florida 33701  
On behalf of Duke Energy Florida, LLC (DEF).

SEAN T. GARNER, ERIK SAYLER and KELLY WRIGHT, ESQUIRES,  
Florida Department of Agriculture & Consumer Service, Office of General  
Counsel, The Mayo Building, 407 S. Calhoun Street, Suite 520, Tallahassee,  
Florida 32399-0800  
On behalf of Florida Department of Agriculture & Consumer Services (FDACS).

JON C. MOYLE, JR. and KAREN A. PUTNAL, ESQUIRES, Moyle Law Firm,  
P.A., 118 North Gadsden Street, Tallahassee, Florida 32301  
On behalf of Florida Industrial Power Users Group (FIPUG).

BRADLEY MARSHALL and JORDAN LUEBKEMANN, ESQUIRES,  
Earthjustice, 111 S. Martin Luther King Jr. Blvd., Tallahassee, Florida 32301  
On behalf of Florida Rising, Inc. (FL Rising) and League of United Latin  
American Citizens (LULAC).

PETER J. MATTHEIS, MICHAEL K. LAVANGA and JOSEPH R. BRISCAR,  
ESQUIRES, Stone, Mattheis, Xenopoulos & Brew, PC, 1025 Thomas Jefferson  
Street, NW, Eighth Floor, West Tower, Washington, DC 20007  
On behalf of Nucor Steel Florida, Inc. (Nucor).

JAMES W. BREW, LAURA WYNN BAKER and SARAH B. NEWMAN, ESQUIRES, Stone, Mattheis, Xenopoulos & Brew, PC, 1025 Thomas Jefferson Street, NW, Eighth Floor, West Tower, Washington, DC 20007

On behalf of White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (PCS Phosphate).

WILLIAM C. GARNER, ESQUIRE, Law Office of William C. Garner, PLLC, 3425 Bannerman Road, Unit 105, No. 414, Tallahassee, Florida 32312

On behalf of Southern Alliance for Clean Energy (SACE).

STEPHANIE U. EATON, ESQUIRE, Spilman, Thomas & Battle, PLLC, 110 Oakwood Drive, Suite 500, Winston-Salem, North Carolina 27103

STEVEN W. LEE, ESQUIRE, Qualified Representative, Spilman, Thomas & Battle, PLLC, 1100 Bent Creek Blvd., Suite 101, Mechanicsburg, Pennsylvania 17050

On behalf of Walmart, Inc. (Walmart).

JACOB IMIG, JON RUBOTTOM, and ADRIA HARPER, ESQUIRES, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Florida Public Service Commission General Counsel

BY THE COMMISSION:

### Background

Enacted in 1980, Sections 366.80 through 366.83, and 403.519, Florida Statutes (F.S.), are known collectively as the Florida Energy Efficiency and Conservation Act (FEECA). FEECA requires us to adopt appropriate goals to increase the efficiency of energy consumption and, pursuant to Section 366.82(6), F.S., we must review the goals of each utility subject to FEECA at least every five years.

The six electric utilities subject to FEECA, collectively known as the FEECA Utilities, are Florida Power & Light Company (FPL), Duke Energy Florida, LLC (DEF), Tampa Electric Company (TECO), Florida Public Utilities Company (FPUC), JEA, and Orlando Utilities

Commission (OUC). Pursuant to Rule 25-17.0021, Florida Administrative Code (F.A.C.), numeric goals were last established for the FEECA Utilities by Order No. PSC-19-0509-FOF-EU, issued November 26, 2019. Therefore, new goals must be established by January 2025.

By Order No. PSC-2024-0022-PCO-EG, issued February 28, 2024, the dockets for each of the FEECA Utilities were consolidated for purposes of hearing, and controlling dates and a tentative list of issues were established.

White Springs Agricultural Chemicals, Inc. d/b/a/ PCS Phosphate – White Springs (PCS Phosphate) was granted leave to intervene on February 13, 2024.<sup>1</sup> We acknowledged the intervention of the Office of Public Counsel (OPC) on February 28, 2024.<sup>2</sup> We acknowledged the intervention of the Florida Department of Agriculture and Consumer Services (FDACS) on April 24, 2024.<sup>3</sup> The Florida Industrial Power Users Group (FIPUG)<sup>4</sup>, the Florida League of United Latin American Citizens (LULAC)<sup>5</sup>, Florida Rising, Inc. (Florida Rising)<sup>6</sup>, and Nucor Steel Florida, Inc. (Nucor)<sup>7</sup> were granted leave to intervene on April 25, 2024. The Southern Alliance for Clean Energy (SACE)<sup>8</sup> and Walmart Inc. (Walmart)<sup>9</sup> were granted leave to intervene on April 30, 2024. OPC withdrew from the proceeding on May 22, 2024.<sup>10</sup>

Pursuant to Notice and in accordance with Rule 28-106.209, F.A.C., a hearing was held on August 8, 2024, in Tallahassee, Florida, before the above commissioners.

## Decision

### Legal Background

FEECA directs us to promote four key priorities: (1) reducing and controlling the growth rates of weather-sensitive peak demand and electricity usage, (2) increasing the efficiency and cost-effectiveness of the production and consumption of electricity and natural gas, (3) encouraging demand-side renewable energy systems, and (4) conserving expensive resources, particularly petroleum fuel.<sup>11</sup> The Legislature emphasized that it is critical to utilize “efficient and cost-effective” conservation systems.<sup>12</sup> Section 366.82, F.S., bifurcates our responsibility under FEECA into two separately docketed proceedings. First, in the goalsetting dockets, we must establish appropriate goals for increasing the efficiency of energy consumption and increasing the development of demand-side renewable energy systems. Following the adoption

---

<sup>1</sup> Order No. PSC-2024-0037-PCO-EG.

<sup>2</sup> Order No. PSC-2024-0051-PCO-EG.

<sup>3</sup> Order No. PSC-2024-0128-PCO-EG.

<sup>4</sup> Order No. PSC-2024-0132-PCO-EG.

<sup>5</sup> Order No. PSC-2024-0133-PCO-EG.

<sup>6</sup> Order No. PSC-2024-0135-PCO-EG.

<sup>7</sup> Order No. PSC-2024-0131-PCO-EG.

<sup>8</sup> Order No. PSC-2024-0139-PCO-EG.

<sup>9</sup> Order No. PSC-2024-0138-PCO-EG.

<sup>10</sup> DN 00854-2024.

<sup>11</sup> See Sections 366.81-366.82, F.S.

<sup>12</sup> Section 366.81, F.S.

of goals, in the plan approval dockets, each FEECA Utility must file plans and programs to meet the goals within its service area. The present docket was opened to address the first, goalsetting portion of our FEECA proceedings for DEF.

FEECA requires that we establish goals designed to increase the conservation of expensive resources, such as petroleum fuels; reduce and control the growth rates of electric consumption; reduce the growth rates of weather-sensitive peak demand; and encourage development of demand-side renewable energy resources.<sup>13</sup> Section 366.82(3), F.S., prescribes the following criteria for our evaluation of the conservation goals:

In developing the goals, the commission shall evaluate the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems. In establishing the goals, the commission shall take into consideration:

- (a) The costs and benefits to customers participating in the measure.
- (b) The costs and benefits to the general body of ratepayers as a whole, including utility incentives and participant contributions.
- (c) The need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems.
- (d) The costs imposed by state and federal regulations on the emission of greenhouse gases.

The Commission implements FEECA for electric utilities through Rule 25-17.0021, F.A.C. Pursuant to that rule, for each FEECA Utility, we establish annual kilowatt (KW) and kilowatt-hour (KWh) goals for Residential and Commercial/Industrial customer classes.<sup>14</sup> The goals are based on (1) an assessment of the technical potential of available conservation and efficiency measures, and (2) an estimate of the total cost-effective KW and KWh savings reasonably achievable through demand-side management (DSM) programs in each utility's service area over a ten-year period.<sup>15</sup> The goals we establish are annual targets for conservation, with KW goals relating to seasonal—summer and winter—demand savings, and annual KWh goals relating to annual energy savings.

Following the last goalsetting proceedings in 2019, after receiving feedback from the utilities, intervenors, and interested persons, we amended Rule 25-17.0021, F.A.C., to streamline our FEECA process by requiring utilities to file potential conservation programs along with their proposed goals. This allows us to analyze the utilities' proposed goals based upon energy (KWh) and demand (KW) savings from customer participation in potential programs they plan to implement, thus giving us better information as to the appropriateness of the goals. Thus, although utility conservation plans and the underlying programs and measures to implement those plans are not approved at this time, each utility must include sufficient information related

---

<sup>13</sup> Section 366.82(2), F.S.

<sup>14</sup> Rule 25-17.0021(1), F.A.C.

<sup>15</sup> *Id.*

to the cost-effectiveness of its potential DSM programs to support the appropriateness of its proposed goals.<sup>16</sup>

### Analysis

Pursuant to Section 366.82, F.A.C., we must evaluate whether the goals requested by DEF are appropriate. Pursuant to the Prehearing Order, Order No. PSC-2024-0293-PHO-EG, issued August 2, 2024, a final list of issues was established for the consolidated hearing. Issues 1-7 address whether each utility, in developing its proposed goals, adequately addressed the considerations prescribed by statute and Commission rule. Issue 8 addresses, for the purpose of establishing goals for rate-regulated utilities, whether we should consider changing credit levels for demand response programs in the FEECA goalsetting proceedings or in their base rate proceedings. Issues 9-11 were specific only to FPL's docket and thus not at issue for DEF. Issues 12 and 13 are the ultimate issues addressing, in light of the preceding issues, what conservation goals we should establish for DEF as required by Section 366.82, F.S.

Following a robust discovery process, we were presented with a series of proposed Type II stipulations,<sup>17</sup> set forth below in Attachment A, that fully resolved all issues in this docket. DEF, PCS Phosphate, Nucor, LULAC, Florida Rising, SACE, and Walmart supported the stipulations. FIPUG supported the stipulations on Issues 8A and 8B at the August 8, 2024, hearing and took no position on all other stipulations. FDACS took no position on all issues. Commission staff recommended approval of the proposed stipulations. We approved the proposed stipulations by a bench vote at the August 8, 2024, hearing.

We find that each of the stipulations are supported by evidence in the record. We also find that the testimony and exhibits in the record adequately address the statutory considerations required by Section 366.82(3), F.S., and demonstrate that the goals stipulated for Issues 12 and 13, as set forth in Attachment A, will increase the conservation of expensive resources, such as petroleum fuels; reduce and control the growth rates of electric consumption; reduce the growth rates of weather-sensitive peak demand; and encourage development of demand-side renewable energy resources. In particular, we found the testimony and exhibits of DEF witnesses Jim Herndon and Tim Duff, as well as the discovery responses provided by DEF, support our finding that the stipulated goals are reasonable and consistent with the requirements of Section 366.82, F.S., and Rule 25-17.0021, F.A.C. For these reasons, we find the stipulated goals to be appropriate.

### Conclusion

The stipulations listed in Attachment A address all the requirements of FEECA enumerated in Section 366.82, F.S., and satisfy the requirements of Rule 25-17.0021, F.A.C.

---

<sup>16</sup> Section 366.82(7), F.S., addresses how we must evaluate and approve the utilities' plans to implement the Commission-established goals during the subsequent plan approval proceeding.

<sup>17</sup> A Type II stipulation is one in which the utility and Commission staff, or the utility and at least one party adversarial to the utility, agree on the resolution of an issue, and the remaining parties (including staff if they do not join in the agreement) do not object to the Commission relying on the agreed language to resolve that issue in a final order.

Further, the conservation goals stipulated in Issues 12 and 13 are appropriate to advance the priorities of FEECA. Therefore, the goals stipulated in Issues 12 and 13 are adopted for DEF for the period 2025-2034.

Based on the foregoing, it is

ORDERED that Duke Energy Florida shall abide by the stipulations, findings, and rulings herein. It is further

ORDERED that Duke Energy Florida's residential and commercial/industrial summer and winter megawatt (MW) and annual gigawatt-hour (GWh) goals are adopted as set forth in Attachment A, Exhibit A, Issue 12. It is further

ORDERED that Duke Energy Florida should continue to implement the provisions of Rule 25-6.065, F.A.C., Interconnection and Net Metering of Customer-Owned Renewable Generation, as an appropriate means to encourage the development of demand-side renewable energy. It is further

ORDERED that this docket shall be closed after the time for filing an appeal has run.

By ORDER of the Florida Public Service Commission this 20th day of September, 2024.



---

ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

---

In re: Commission review of numeric conservation  
goals (Duke Energy Florida, LLC)

Docket No. 20240013-EG

Dated: August 8, 2024

---

**Joint Notice of Stipulations**

Duke Energy Florida, LLC, (“DEF”), the Nucor Steel Florida, Inc. (“Nucor”), White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), Southern Alliance for Clean Energy (“SACE”), Walmart Inc., Florida Rising, Inc., and LULAC Florida Inc., and (the “Stipulating Parties” or “Parties”), hereby provide Notice that they have reached the following stipulations to fully resolve the Parties respective issues in Docket No. 20240013-EG:

1. The Parties stipulate to the entry of all pre-filed testimony and exhibits filed in this docket by the Parties into the record.
2. The Parties agree to waive cross-examination of all witnesses and have no objection to witnesses being excused from attendance at the hearing.
3. The Parties stipulate to the entry into the record of the of the following exhibits identified in Staff’s Comprehensive Exhibits List: Exh. Nos. 28-40, 88-97, 99-101, 103, 108, 112, 118-119, 123-139, 166-187, and 796-799.
4. The Parties agree that DEF’s proposed DSM Goals for the ten-year period of 2025-2034 shall be modified as set forth in the Amended Joint Notice of Necessary Stipulations filed on August 7<sup>th</sup>, attached as Exhibit A and the Updated Petition, Testimony, & Exhibits<sup>1</sup> filed on July 22<sup>nd</sup>.

<sup>1</sup> See document no. 07773-2024



5. Subjection to Commission approval of the stipulations for Issue 8a & 8b and Issue 12 as set forth in the Joint Notice of Necessary Stipulations, the parties agree to Type 2 stipulations on Issues 1-7 and 12 -14 as follows:

**ISSUE 1:** Are the utility's proposed goals based on an adequate assessment of the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable energy systems?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that DEF's proposed goals are based on an adequate assessment of the full technical potential of all available demand-side and efficiency measures, including demand-side renewable energy systems, pursuant to Section 366.82(3), F.S.

**ISSUE 2:** Are the utility's proposed goals based on savings reasonably achievable through demand-side management programs over a ten year period?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that DEF's proposed goals are based on savings reasonably achievable through demand-side management programs over a ten-year period.

**ISSUE 3:** Do the utility's proposed goals adequately reflect the costs and benefits to customers participating?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that DEF's proposed DSM goals adequately reflect the costs and benefits to customers participating.

**ISSUE 4:** Do the utility's proposed goals adequately reflect the costs and benefits to the general body of rate payers as a whole, including utility incentives and participant contributions?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that DEF's proposed DSM goals adequately reflect the costs and benefits to the general body of rate payers as a whole, including the utility incentives and participant contributions.

**ISSUE 5:** Do the utility's proposed goals adequately reflect the need for incentives to promote both customer-owned and utility-owned energy efficiency and demand-side renewable energy systems?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that DEF's proposed DSM goals adequately reflect the need for incentives to

promote both customer-owned and utility-owned energy efficiency and demand side renewable energy systems.

**ISSUE 6:** Do the utility's proposed goals adequately reflect the costs imposed by state and federal regulations on the emissions of greenhouse gases?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that DEF's proposed DSM goals adequately reflect the costs imposed by state and federal regulations on the emissions of greenhouse gases.

**ISSUE 7:** Do the utility's proposed goals appropriately reflect consideration of free riders?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that DEF's proposed DSM goals appropriately reflect the consideration of free riders.

**ISSUE 13:** What goals are appropriate for increasing the development of demand-side renewable energy systems?

**Stipulation:** The Parties stipulate and agree that the record supports a Commission finding that no additional goals should be established for demand-side renewable energy systems.

**ISSUE 14:** Should this docket be closed?

**Stipulation:** The Parties stipulate and agree that upon approval of the stipulations as set forth in the Amended Notice of Stipulations and the stipulations set forth in this Joint Notice of Stipulations, all issues in this docket, with the exception of Issue 8a, will be fully resolved and therefore should be closed upon issuance of a Final Order.

6. The Parties stipulate and agree that DEF's proposed DSM goals include both RIM and TRC-passing programs that will deliver energy efficient savings options to all customers.

7. The Parties stipulate and agree DEF's DSM goals as proposed meet the requirements as set forth in Section 366.82, Florida Statutes, and Rules 25-17.0021 and 25-17.008. Florida Administrative Code and will establish DSM goals at a reasonable and appropriate level for the period 2025 through 2034.

8. The Parties stipulate and agree that the positions and stipulations as set forth in the Joint Notice of Necessary Stipulations and this Joint Notice of Stipulations apply only to DEF's proposed DSM goals in Docket No. 20240013-EG and do not impact or limit the positions a Party may take in another current or future proceeding.
9. The Parties stipulate and agree that these stipulations, along with those set forth in the Amended Joint Notice, fully resolve their respective issues in Docket No. 20240013-EG and request that they be approved by the Commission.

/s/ Stephanie A. Cuello

**DIANNE M. TRIPLETT**

Deputy General Counsel  
299 First Avenue North  
St. Petersburg, FL 33701  
T: 727.820.4692  
E: [Dianne.Triplett@Duke-Energy.com](mailto:Dianne.Triplett@Duke-Energy.com)

**MATTHEW R. BERNIER**

Associate General Counsel  
106 E. College Avenue, Suite 800  
Tallahassee, FL 32301  
T: 850.521.1428  
E: [Matt.Bernier@Duke-Energy.com](mailto:Matt.Bernier@Duke-Energy.com)

**STEPHANIE A. CUELLO**

Senior Counsel  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301  
T: 850.521.1425  
E: [Stephanie.Cuello@Duke-Energy.com](mailto:Stephanie.Cuello@Duke-Energy.com)  
[FLRegulatoryLegal@Duke-Energy.com](mailto:FLRegulatoryLegal@Duke-Energy.com)

Attorneys for Duke Energy Florida, LLC

/s/ Bradley Marshall

Florida Bar No. 98008

[bmarshall@earthjustice.org](mailto:bmarshall@earthjustice.org)

Jordan Luebke

Florida Bar No. 1015603

[jluebke@earthjustice.org](mailto:jluebke@earthjustice.org)

Earthjustice

111 S. Martin Luther King Jr. Blvd.

Tallahassee, Florida 32301

Telephone: (850) 681-0031

Fax: (850) 681-0020

*Counsel for Florida Rising and League of United Latin American Citizens*

Nucor Steel Florida, Inc.

By  \_\_\_\_\_

Michael K. Lavanga  
Stone Matheis Xenopoulos & Brew  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007

**PCS White Springs**

By  7/15/2024

James W. Brew, Esquire  
Stone Matheis Xenopoulos & Brew  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007

By   
Stephanie U. Eaton (FL State Bar No. 165610)  
SPILMAN THOMAS & BATTLE, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
[seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

*Counsel to Walmart Inc.*

Southern Alliance for Clean Energy

(SACE)

Name: William C. Garner

Title: Attorney for Southern Alliance for Clean Energy

Signature: 

Date: 8/7/2024



# **Exhibit A**



Stephanie A. Cuello  
SENIOR COUNSEL

August 7, 2024

**VIA ELECTRONIC FILING**

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

Re: Docket 20240013-EG, Commission review of numeric Conservation goals by Duke Energy Florida, LLC.

Dear Mr. Teitzman,

Enclosed for filing on behalf of Duke Energy Florida, LLC ("DEF") is DEF's Amended Joint Notice of Necessary Stipulations. This Amended Joint Notice of Necessary Stipulations is being filed to capture the following changes:

- Provide clarifying language to the scope of the stipulations;
- Update the stipulation language for Issue 8a and 8b; and
- Reflect FIPUG's position in regards to Issue 8a

The language in Issue 12 remains unchanged.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1425 should you have any questions concerning this filing.

Respectfully,

*/s/ Stephanie A. Cuello*

Stephanie A. Cuello

SAC/clg  
Attachments

**CERTIFICATE OF SERVICE**

*Docket No. 20240013-EG*

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 7th day of August 2024.

/s/ Stephanie A. Cuello

Attorney

<p>Jacob Imig / Jonathan Rubottom Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:jimig@psc.state.fl.us">jimig@psc.state.fl.us</a> <a href="mailto:JRubotto@psc.state.fl.us">JRubotto@psc.state.fl.us</a></p> <p>James W. Brew / Laura Wynn Baker / Sarah B. Newman Stone Mattheis Xenopoulos &amp; Brew, PC PCS Phosphate – White Springs 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:lwb@smxblaw.com">lwb@smxblaw.com</a> <a href="mailto:sbn@smxblaw.com">sbn@smxblaw.com</a></p> <p>Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. FIPUG 118 North Gadsden Street Tallahassee, Florida 32301 <a href="mailto:jmoyle@moylelaw.com">jmoyle@moylelaw.com</a> <a href="mailto:kputnal@moylelaw.com">kputnal@moylelaw.com</a></p> <p>Bradley Marshall Jordan Luebke Earthjustice LULAC and Florida Rising 111 S. Martin Luther King Jr. Blvd. Tallahassee, Florida 32301 <a href="mailto:bmarshall@earthjustice.org">bmarshall@earthjustice.org</a> <a href="mailto:jluebke@earthjustice.org">jluebke@earthjustice.org</a> <a href="mailto:lcaseupdates@earthjustice.org">lcaseupdates@earthjustice.org</a></p> <p>Steven W. Lee SPILMAN THOMAS &amp; BATTLE, PLLC Walmart 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, PA 17050 <a href="mailto:slee@spilmanlaw.com">slee@spilmanlaw.com</a></p>	<p>Erik Sayler / Brooks Rumenik / Kelly Wright Florida Department of Agriculture and Consumer Services 407 S Calhoun St The Mayo Bldg, Suite 520 Tallahassee FL 32399 <a href="mailto:Erik.Sayler@FDACS.gov">Erik.Sayler@FDACS.gov</a> <a href="mailto:Brooks.Rumenik@fdacs.gov">Brooks.Rumenik@fdacs.gov</a> <a href="mailto:kelly.wright@fdacs.gov">kelly.wright@fdacs.gov</a></p> <p>Peter J. Mattheis / Michael K. Lavanga Joseph R. Briscar Stone Mattheis Xenopoulos &amp; Brew, PC NUCOR 1025 Thomas Jefferson Street, NW Suite 800 West Washington, DC 20007-5201 <a href="mailto:pjm@smxblaw.com">pjm@smxblaw.com</a> <a href="mailto:mkl@smxblaw.com">mkl@smxblaw.com</a> <a href="mailto:jrb@smxblaw.com">jrb@smxblaw.com</a></p> <p>William C. Garner Law Office of William C. Garner, PLLC SACE 3425 Bannerman Road Unit 105, No. 414 Tallahassee, FL 32312 <a href="mailto:wgarner@wclawoffice.com">wgarner@wclawoffice.com</a></p> <p>Stephanie U. Eaton SPILMAN THOMAS &amp; BATTLE, PLLC Walmart 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 <a href="mailto:seaton@spilmanlaw.com">seaton@spilmanlaw.com</a></p>
--	---

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

---

In re: Commission review of numeric conservation  
goals (Duke Energy Florida, LLC)

Docket No. 20240013-EG

Dated: August 7<sup>th</sup>, 2024

---

**Amended Joint Notice of Necessary Stipulations**

Duke Energy Florida, LLC, (“DEF”), the Florida Industrial Power Users Group (“FIPUG”), Nucor Steel Florida, Inc. (“Nucor”), White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), Walmart Inc., Florida Rising, Inc., and LULAC Florida Inc. (the “Stipulating Parties”), hereby provide Notice that they have reached Necessary Stipulations (as discussed in Paragraph 33 of the 2024 Settlement Agreement filed contemporaneously in Docket No. 20240025-EI) on two (2) issues, specifically Issue 8(a) & 8(b)<sup>1</sup> and Issue 12, as provided below.

**STIPULATIONS**

**Issue 8(a): Should demand credit rates for interruptible service, curtailable service, stand-by generation, or similar potential demand response programs be addressed in this proceeding or in the base rate proceedings for the rate regulated FEECA Utilities?**

Stipulation

<sup>1</sup> Issue 8 currently asks: “Should demand credit rates for interruptible service, curtailable service, stand-by generation, or similar potential demand response programs be addressed in this proceeding or in the base rate proceedings for the rate regulated FEECA Utilities? If this proceeding, what demand credit rates are appropriate for purposes of establishing the utilities’ goals?”

The Stipulation provided herein relates to the second of the two questions (credit levels) but does not address the first except as provided in the 2024 Settlement Agreement. Therefore, the Stipulating Parties propose to bifurcate the issue into two parts, (a) and (b).

With respect to DEF, based on the stipulation to Issue 8b described below, the parties agree that no general policy guidance is required on this question at this time. The parties further agree that no changes in these credits shall be implemented any earlier than the effective date of new DEF base rates implemented pursuant to a general base rate proceeding, and that such new IS/CS/GSLM-2 credits shall only be implemented prospectively from such effective date. At such time as DEF's base rates are reset in a general base rate proceeding, the IS/CS/GSLM-2 credits may be reset. In the next Demand Side Management goals and plan approval proceeding (currently anticipated to occur in 2029), DEF shall not propose to change the level of the credits.<sup>2</sup>

**Issue 8(b): In this proceeding, what demand credit rates as appropriate for establishing DEF's goals?**

**Stipulation:**

For the purpose of Stipulation and for the limited purpose of establishing DEF's goals, the parties agree that Issue 8b is not applicable and that the appropriate demand credits are those stated in the pending 2024 Settlement Agreement filed contemporaneously in Docket No. 20240025-EI.

**Issue 12: What residential and commercial/industrial summer and winter megawatt (MW) and annual Gigawatt-hour (GWh) goals should be established for the period 2025-2034?**

**Stipulation:**

<sup>2</sup> FIPUG does not join in the proposed stipulation on Issue 8a and reserves the right to state their position on the record at the hearing.

DEF’s energy efficiency goals will reflect their proposed goals, plus an increase in participation for Neighborhood Energy Saver by 10% and an increase the installation of smart thermostats from 10% to 40%. This results in the following goals for the 10-year period:

2025-2034 Annual Goals									
Recommended Annual Goals (values at the generator)									
	Residential			Non-Residential			Total		
	WMW	SMW	GWH'S	WMW	SMW	GWH'S	WMW	SMW	GWH'S
2025	32	21	50	4	7	5	35	28	55
2026	32	21	51	3	7	5	35	28	56
2027	33	22	52	4	9	6	38	31	58
2028	34	22	53	4	9	6	38	31	59
2029	34	22	54	4	10	7	39	32	61
2030	33	22	53	4	9	6	37	31	59
2031	33	22	53	4	8	6	37	30	59
2032	33	22	54	5	8	5	38	30	59
2033	33	22	54	5	8	4	38	30	58
2034	33	22	54	5	8	4	38	29	58
<b>TOTAL</b>	<b>331</b>	<b>215</b>	<b>527</b>	<b>42</b>	<b>84</b>	<b>55</b>	<b>373</b>	<b>300</b>	<b>582</b>

FIPUG agrees to the stipulations only with respect to Issue 8b and Issue 12, and reserves the right to state their position on Issue 8a on the record at the hearing.

Respectfully submitted this 7th day of August, 2024.

*/s/ Stephanie A. Cuello*  
**STEPHANIE A. CUELLO**  
 Senior Counsel  
**MATTHEW R. BERNIER**  
 Associate General Counsel  
 106 East College Avenue, Suite 800  
 Tallahassee, Florida 32301  
 T: (850) 521-1425  
 E: [Stephanie.Cuello@duke-energy.com](mailto:Stephanie.Cuello@duke-energy.com)  
[Matt.Bernier@duke-energy.com](mailto:Matt.Bernier@duke-energy.com)  
[FLRegulatoryLegal@duke-energy.com](mailto:FLRegulatoryLegal@duke-energy.com)  
*Attorneys for Duke Energy Florida, LLC*

/s/ Bradley Marshall

Florida Bar No. 98008

[bmarshall@earthjustice.org](mailto:bmarshall@earthjustice.org)

Jordan Luebke

Florida Bar No. 1015603

[jluebke@earthjustice.org](mailto:jluebke@earthjustice.org)

Earthjustice

111 S. Martin Luther King Jr. Blvd.

Tallahassee, Florida 32301

Telephone: (850) 681-0031

Fax: (850) 681-0020

*Counsel for Florida Rising and League of United Latin American Citizens*

By




Stephanie U. Eaton (FL State Bar No. 165610)  
SPILMAN THOMAS & BATTLE, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103  
Phone: (336) 631-1062  
Fax: (336) 725-4476  
[seaton@spilmanlaw.com](mailto:seaton@spilmanlaw.com)

*Counsel to Walmart Inc.*



Florida Industrial Power Users Group

By

  
Jon C. Moyle, Jr., Esquire  
Moyle Law Firm, PA  
118 North Gadsden Street  
Tallahassee, FL 32301

7/15/24

Stipulation in  
2024 GATS  
Docket per  
Rate Case  
Settlement w/  
Duke Energy Florida, LLC

Nucor Steel Florida, Inc.

By  \_\_\_\_\_

Michael K. Lavanga  
Stone Matheis Xenopoulos & Brew  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007

**PCS White Springs**

By  7/15/2024

James W. Brew, Esquire  
Stone Matheis Xenopoulos & Brew  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007