

STATE OF FLORIDA

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
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OFFICE OF COMMISSION CLERK
CARLOTTA S. STAUFFER
COMMISSION CLERK
(850) 413-6770

Public Service Commission

January 20, 2015

John A. Tomasino, Clerk
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399

**Re: Citizens of the State of Florida, through the Florida Office of Public Counsel
PSC Docket No. 140001-EI**

Dear Mr. Tomasino:

Enclosed please find a certified copy of a Notice of Administrative Appeal, which was filed with the Public Service Commission on January 20, 2015, along with its attachment, Order No. PSC-14-0701-FOF-EI. This appeal was filed on behalf of the Citizens of the State of Florida.

Please do not hesitate to contact me should you have any questions concerning this matter.

Sincerely,

Handwritten signature of Carlotta S. Stauffer in cursive.

Carlotta S. Stauffer
Commission Clerk

CSS: mhm
Enclosure

cc: John J. Truitt, Associate Public Counsel
J.R. Kelly, Public Counsel
Samantha Cibula, General Counsel
Beth Keating, Esquire
James D. Beasley, Esquire
J. Jeffrey Wahlen, Esquire
Ashley M. Daniels, Esquire
James W. Brew, Esquire

COMMISSION
CLERK

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Page 2

January 20, 2015 Letter

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Robert L. McGee, Jr.
Paula K. Brown

CITIZENS OF THE STATE OF)
FLORIDA, THROUGH THE)
FLORIDA OFFICE OF PUBLIC)
COUNSEL,)

Appellants,)

v.)

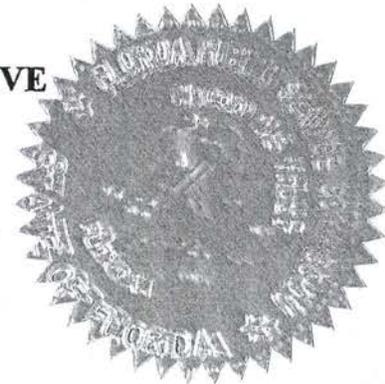
FLORIDA PUBLIC SERVICE)
COMMISSION,)

Appellee.)
_____)

IN THE FLORIDA PUBLIC
SERVICE COMMISSION

DOCKET NO. 140001-EI

NOTICE OF
ADMINISTRATIVE
APPEAL

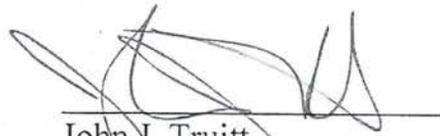


NOTICE IS GIVEN that the Citizens of the State of Florida, Appellants, through the Office of Public Counsel, appeal to the Supreme Court of the State of Florida the order of the Florida Public Service Commission, Order No. PSC-14-0701-FOF-EI, rendered on December 19, 2014. A copy of Order No. PSC-14-0701-FOF-EI is attached to this NOTICE OF ADMINISTRATIVE APPEAL as Exhibit "A." The nature of the order is a Final Order Approving Expenditures and True-Up Amounts for Fuel Adjustment Factors; GPIF Targets, Ranges, and

I CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL
DOCUMENT THAT WAS FILED WITH THE
FLORIDA PUBLIC SERVICE COMMISSION
BY: Carlotta S Stauffer
CARLOTTA S. STAUFFER, COMMISSION CLERK

Rewards; and Projected Expenditures and True-Up Amounts for Capacity Cost
Recovery Factors.

J.R. Kelly
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A handwritten signature in black ink, appearing to read "John J. Truitt", is written over a horizontal line.

John J. Truitt
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c/o The Florida Legislature
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(850) 488-9330

Attorneys for Citizens of
the State of Florida

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing **NOTICE OF ADMINISTRATIVE APPEAL** has been furnished by electronic mail on this 20th day of January, 2015, to the following:

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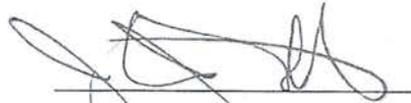
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John J. Truitt
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CITIZENS OF THE STATE OF)
FLORIDA, THROUGH THE)
FLORIDA OFFICE OF PUBLIC)
COUNSEL,)

Appellants,)

v.)

FLORIDA PUBLIC SERVICE)
COMMISSION)

Appellee.)
_____)

IN THE FLORIDA PUBLIC
SERVICE COMMISSION

DOCKET NO. 140001-EI

NOTICE OF
ADMINISTRATIVE
APPEAL

EXHIBIT "A"

**FLORIDA PUBLIC SERVICE COMMISSION
ORDER NO. PSC-14-0701-FOF-EI, ISSUED December 19, 2014**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 140001-EI
ORDER NO. PSC-14-0701-FOF-EI
ISSUED: December 19, 2014

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

FINAL ORDER APPROVING EXPENDITURES AND TRUE-UP AMOUNTS FOR FUEL
ADJUSTMENT FACTORS; GPIF TARGETS, RANGES, AND REWARDS; AND
PROJECTED EXPENDITURES AND TRUE-UP AMOUNTS FOR CAPACITY COST
RECOVERY FACTORS

APPEARANCES:

R. WADE LITCHFIELD, JOHN T. BUTLER, and MARIA J. MONCADA,
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On behalf of Florida Power & Light Company (FPL)

JOHN T. BURNETT, DIANNE M. TRIPLETT, and MATTHEW BERNIER,
ESQUIRES, 106 East College Avenue, Tallahassee, Florida 32301-7740
On behalf of Duke Energy Florida, Inc. (DEF)

BETH KEATING, ESQUIRE, Gunster, Yoakley & Stewart, P.A., 215 South
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On behalf of Florida Public Utilities Company (FPUC)

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On behalf of Gulf Power Company (GULF)

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ESQUIRES, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302
On behalf of Tampa Electric Company (TECO)

J.R. KELLY, PATRICIA A. CHRISTENSEN, CHARLES REHWINKEL, and ERIK SAYLER, ESQUIRES, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400

On behalf of the Citizens of the State of Florida (OPC)

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On behalf of the Florida Industrial Power Users Group (FIPUG)

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On behalf of the Florida Retail Federation (FRF)

JAMES W. BREW and OWEN J. KOPON, ESQUIRES, Brickfield, Burchette, Ritts & Stone, P.C., 1025 Thomas Jefferson St., 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)

MARTHA BARRERA, KEINO YOUNG, and KYESHA MAPP, 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

BY THE COMMISSION:

Background

As part of the continuing fuel and purchased power adjustment and generating performance incentive factor clause proceedings, an administrative hearing was held on October 22, 2014. At the hearing, we approved the stipulated issues for Tampa Electric Company (Tampa Electric), Gulf Power Company (Gulf), Florida Power & Light Company (FPL), and Florida Public Utilities Company (FPUC) by making bench decisions on the issues. Although we approved some stipulated issues for Duke Energy Florida, Inc. (DEF or Company), at the October 22, 2014 hearing, testimony was heard on Issues 1C, 10, and 11. No parties filed briefs.

At the hearing we heard testimony on whether DEF made the appropriate adjustments to its fuel costs to account for replacement power costs associated with the transformer fire that occurred at DEF's Bartow unit in April 2014. We also heard testimony regarding DEF's appropriate total fuel true-up to be collected or refunded in 2015 fuel factors, the sum of the final true-up for 2013 and the actual/estimated true-up for 2014. Finally, we heard testimony on the appropriate 2015 projected fuel cost for calculation of DEF's 2015 fuel factors. We did not rule on these issues pending verification that the refunds and adjustments were in compliance with the Revised and Restated Stipulation and Settlement Agreement (RRSSA), approved by Order No. PSC-13-0598-FOF-EI.¹

We have jurisdiction over this subject matter pursuant to the provisions of Chapter 366, Florida Statutes (F.S.), including Sections 366.04, 366.05, and 366.06, F.S.

COMPANY-SPECIFIC FUEL ADJUSTMENT ISSUES

Duke Energy Florida, Inc.

Hedging activities

Upon review, we find and approve as prudent DEF's actions to mitigate the volatility of natural gas, residual oil, and purchased power prices, as reported in DEF's April 2014 and August 2014 hedging reports.

2015 Risk Management Plan

Upon review, we find and approve DEF's 2015 Risk Management Plan as consistent with Hedging Guidelines.

Replacement power cost adjustments

At the hearing, we heard testimony and argument regarding whether DEF made appropriate adjustments, and if any more were needed, to account for replacement power costs associated with the April 2014 forced outage (transformer fire) at the Bartow Unit.

We first address whether DEF's refunds and adjustments were in compliance with the RRSSA. On April 21, 2014, a transformer fire occurred at DEF's Bartow unit. As a result of the fire, DEF had to purchase replacement power to make up for the power not being generated at the Bartow combined cycle plant in the amount of approximately \$12.7 million (\$12.9 million system). Rather than including these costs for replacement power in its request for fuel cost recovery, DEF made an adjustment to remove these amounts, thereby shielding the impact of this outage from its retail customers. We reviewed DEF's filings and verified that the costs associated with the replacement power of approximately \$12.7 million were removed from retail

¹ See Order No. PSC-13-0598-FOF-EI, issued November 12, 2013, in Docket No. 130208-EI, In re: Petition for limited proceeding to approve revised and restated stipulation and settlement agreement by Duke Energy Florida, Inc. d/b/a Duke Energy.

fuel expenses. Thus, we find that DEF has made the appropriate adjustments to account for replacement power costs associated with the April 2014 forced outage (transformer fire) at the Bartow unit.

Paragraphs 6.a, 7.c, and 7.d of the RRSSA affected the calculations of the 2013 true-up. Paragraph 6.a required a refund of \$129 million to retail ratepayers in 2013 through the fuel clause. DEF included this refund in the calculation of its 2013 true-up. Paragraph 7.c required DEF to credit the retail allocation of the Nuclear Electric Insurance Limited (NEIL) settlement amount through the fuel clause. DEF included this adjustment in the calculation of the 2013 true-up balance. Paragraph 7.d allowed DEF to collect \$326 million previously credited in the fuel clause for NEIL proceeds. This amount is inherently included in the 2013 true-up calculation, with the net effect of Paragraphs 7.c and 7.d being a final NEIL adjustment of a refund of approximately \$163 million. Thus, we find that DEF's final true-up for 2013 is an over-recovery of \$27,234,093.

We find that the 2014 actual/estimated true-up is an under-recovery of \$100,906,296. This amount is affected by Paragraphs 6.a, 7.a, 7.c, and 7.d of the RRSSA. The effect of the refund of \$129 million in 2014, as required by Paragraph 6.a, is included in the 2014 actual/estimated true-up calculation. Also as required by paragraph 6.a of the RRSSA, DEF included, for purposes of calculating the 2014 actual estimated true-up amount, a \$10 million refund, allocated 94 percent to residential customers and 6 percent to general service non-demand customers. Paragraph 7.a allowed DEF to increase fuel rates by \$1.00 per mWh in 2014 for the accelerated recovery of carrying charges associated with the CR3 regulatory asset and requires that the increase be added to secondary metering consistent with the normal fuel projection process. Pursuant to Paragraph 7.a, DEF removed the revenue associated with this change in calculating the 2014 actual/estimated true-up. This amount corresponds to the actual/estimated mWh sales for 2014.

Pursuant to Paragraph 7.a of the RRSSA, revenue collected applies toward early recovery of the CR3 regulatory asset. The total amount of the regulatory asset as of September 2014 is \$1.405 billion. Revenue collected pursuant to Paragraph 7.a reduces, but does not eliminate, the carrying cost on the regulatory asset. We find the amounts for 2014 are as follows:

CR3 Regulatory Asset AFUDC and Early Recovery		
		in millions
1	AFUDC on CR3 Regulatory Asset	\$74.60
2	Fuel Revenue (\$1.00/mWh)	\$38.50
3	Less Income Tax (38.575%)	(\$14.80)
4	Early Recovery Applied to CRC Regulatory Asset	\$23.60
5	Total CR3 Regulatory Asset (as of Sep 2014)	\$1,405
Rows 1 through 4: Actual Jan-Sep, Estimated Oct-Dec 2014		

DEF's calculation of the 2013 true-up amount complies with Paragraphs 7.c and 7.d of the RRSSA. With the over-recovery of \$27,234,093 for 2013 and the actual/estimated under-recovery of \$100,906,296 for 2014, the net true-up is an under-recovery of \$73,672,203. We find this amount appropriate for inclusion in the calculation of 2015 fuel factors. We also find that DEF has correctly made the necessary adjustments and refunds pursuant to the RRSSA.

We find the appropriate projected total fuel and purchased power cost recovery amounts for DEF for the period January 2015 through December 2015 is \$1,638,735,421. Paragraph 6.a of the RRSSA requires DEF to refund to residential and general service non-demand customers \$10 million in 2015 through the fuel clause, allocated 94 percent to residential customers and 6 percent to general service non-demand customers. DEF's 2015 fuel factors include this refund. Paragraph 6.b requires DEF to refund \$40 million to retail ratepayers in 2015 through the fuel clause. DEF correctly included this refund in the calculation of 2015 fuel factors. Paragraph 7.a allows DEF to increase retail fuel rates by \$1.00 per mWh in 2015. This provision is for early recovery of the CR3 regulatory asset. We find that DEF appropriately added 0.10 cents per kWh to the fuel factor at secondary metering from which the other fuel factors were derived. DEF has correctly made the necessary adjustments and refunds pursuant to the RRSSA. Thus, we find the appropriate projected amount for inclusion in the calculation of 2015 fuel factors is \$1,638,735,421.

Florida Power & Light Company

Hedging Activities

We reviewed and approve as prudent FPL's actions to mitigate the price volatility of natural gas, residual oil and purchased power prices, as reported in FPL's April 2014 and August 2014 hedging reports.

2015 Risk Management Plan

On August 5, 2008, FPL filed a petition in the fuel docket requesting approval of Hedging Order Clarification Guidelines (the "Hedging Guidelines"). The Hedging Guidelines were approved at the Commission's September 16, 2008 Agenda Conference. Section I of the Hedging Guidelines provides for investor-owned utilities such as FPL to file a risk management plan covering the activities to be undertaken during the following calendar year for hedges applicable to subsequent years, and for the Commission to review such plans for approval in the annual fuel adjustment hearing held in October. Upon review, we find and approve FPL's 2015 Risk Management Plan as consistent with the Hedging Guidelines.

Incentive Mechanism

We reviewed the Incentive Mechanism approved in Order No. PSC-13-0023-S-EI. We find the total gain in 2013 is \$24,563,872. That gain shall be allocated to customers because \$24,563,872 is below the threshold for sharing between FPL and customers.

Incremental Optimization Costs for Personnel, Software, and Hardware

We reviewed the amount of Incremental Optimization Costs for Personnel, Software, and Hardware Costs that FPL should be allowed to recover through the Fuel Clause. We find that the amount is \$464,747 for the period January 2014 through December 2014 and \$453,534 for the period January 2015 through December 2015 is reasonable.

Incremental Optimization Costs for variable power plant Operation and Maintenance (O&M) Costs

We reviewed the amount for Incremental Optimization Costs for Variable Power Plant O&M Costs over the 514,000 mWh threshold that FPL should be allowed to recover through the Fuel Clause. The amount of \$1,832,655 for the period January 2014 through December 2014 and \$1,866,360 for the period January 2015 through December 2015 is reasonable.

Florida Public Utilities Company

Consolidation of the Fuel Factors

Upon review, we approve the consolidation of the Company's fuel factors and find that it will substantially eliminate unfair cross-subsidies between the two divisions that arise from recovery of transmission-related costs through the Company's consolidated base rates.

Appropriate Consolidated Fuel Rate for Outdoor and Street Lighting Rate Classes.

We approved FPUC's request in Docket No. 140025-EI to consolidate the Company's current outdoor lighting (OL-2) and street lighting (SL-3) rate classes into a single Lighting Service (LS) rate class. We find that the appropriate consolidated rate for the new Lighting Service rate class shall be 8.034 cents per KWH.

Gulf Power Company

Hedging Activities

Upon review, we find and approve as prudent Gulf's actions to mitigate the volatility of natural gas, residual oil, and purchased power prices, as reported in Gulf's April 2014 and August 2014 hedging reports.

Risk Management Plan

Upon review, we approve Gulf's 2015 Risk Management Plan.

Contract between Gulf Power Company and Bay County, Florida

Upon review, we approve the amended and restated contract between Gulf Power Company and Bay County, Florida, for purchase of the entire generation of the Bay County Resource Recovery Facility by Gulf.

Tampa Electric Company

Hedging Activities

Upon review, we find that Tampa Electric prudently followed its 2013 and 2014 Risk Management Plans and accordingly utilized financial hedges to mitigate volatility of natural gas prices during the period January 2013 through July 2014.

Risk Management Plan

Upon review, we find and approve Tampa Electric's 2015 Risk Management Plan finding it provides prudent, non-speculative guidelines for mitigating price volatility while ensuring supply reliability.

GENERIC FUEL ADJUSTMENT ISSUES

2014 Benchmark Levels for Shareholder Incentive

Upon review, we find and approve as appropriate the following actual benchmark levels for calendar year 2014 for gains on non-separated wholesale energy sales eligible for a shareholder incentive:

<u>FPL:</u>	FPL implemented a new Incentive Mechanism beginning in 2013, which was a component of the Stipulation and Settlement that we approved in Order No. PSC-13-0023-S-EI issued on January 14, 2013 in Docket No. 120015-EI. The new Incentive Mechanism does not rely upon the three-year average Shareholder Incentive Benchmark specified in Order No. PSC-00-1744-PAA-EI, so we find that there is no need to continue calculating that benchmark for FPL.
<u>DEF:</u>	\$359,523.
<u>GULF:</u>	\$392,610.
<u>TAMPA ELECTRIC:</u>	\$681,121.

2015 Benchmark Levels for Shareholder Incentive

Upon review, we find and approve as appropriate the following estimated benchmark levels for calendar year 2015 for gains on non-separated wholesale energy sales eligible for a shareholder incentive:

<u>FPL:</u>	FPL implemented a new Incentive Mechanism beginning in 2013, which was a component of the Stipulation and Settlement that we approved in Order No. PSC-13-0023-S-EI issued on January 14, 2013 in Docket No. 120015-EI. The new Incentive Mechanism does not rely upon the three-year average Shareholder Incentive Benchmark specified in Order No. PSC-00-1744-PAA-EI, so we find that there is no need to continue calculating that benchmark for FPL.
<u>DEF:</u>	\$2,204,634.
<u>Gulf:</u>	\$685,224.
<u>TAMPA ELECTRIC:</u>	\$1,403,580.

2013 Final Fuel Adjustment True-Up Amounts

Upon review, we find appropriate the following final fuel adjustment true-up amounts for the period January 2013 through December 2013:

<u>FPL:</u>	\$98,482 under-recovery.
<u>DEF:</u>	\$27,234,093 over-recovery.
<u>GULF:</u>	\$4,954,515 under-recovery.
<u>TAMPA ELECTRIC:</u>	\$23,552,208 over-recovery.
<u>FPUC</u>	\$521,768 under-recovery.

2014 Fuel Adjustment Actual/Estimated True-Up Amounts

Upon review, we find appropriate the following fuel adjustment actual/estimated true-up amounts for the period January 2014 through December 2014:

<u>FPL:</u>	\$266,562,206 under-recovery.
<u>DEF:</u>	\$100,906,296 under-recovery.

GULF: \$43,001,980 under-recovery.

TAMPA ELECTRIC: \$10,166,001 under-recovery.

FPUC: \$2,385,797 under-recovery.

2015 Fuel Adjustment True-Up Amounts to be Collected/Refunded

Upon review, we find appropriate the following total fuel adjustment true-up amounts to be collected/refunded from January 2015 to December 2015:

FPL: \$266,660,688 under-recovery.

DEF: \$73,672,203 under-recovery.

GULF: \$47,956,495 under-recovery.

TAMPA ELECTRIC: \$13,386,207 over-recovery.

FPUC: \$2,907,565 under-recovery.

2015 projected total fuel and purchased power cost recovery amounts

Upon review, we find appropriate the following projected total fuel and purchased power cost recovery amounts for the period January 2015 through December 2015:

FPL: \$3,677,533,642 including prior period true-ups and revenue taxes and excluding the GPIF reward.

DEF: \$1,638,735,421.

GULF: \$477,064,691 including prior period true-up amounts and revenue taxes.

TAMPA ELECTRIC: \$718,442,920 adjusted by the jurisdictional separation factor,

FPUC: \$65,713,065.

GENERIC GENERATING PERFORMANCE INCENTIVE FACTOR ISSUES

2013 Generation Performance Incentive Factor

Upon review, we find appropriate the following generation performance incentive factor (GPIF) reward or penalty for performance achieved during the period January 2013 through December 2013 for each investor-owned electric utility subject to the GPIF:

FPL: \$11,814,923 reward.

DEF: \$2,231,853 reward.

GULF: \$2,523,938 reward.

TAMPA ELECTRIC: \$1,689,728 reward.

2015 GPIF targets and ranges

Upon review, we find appropriate the following GPIF targets and ranges for the period January 2015 through December 2015 for each investor-owned electric utility subject to the GPIF:

**GPIF TARGET AND RANGE SUMMARY
JANUARY THROUGH DECEMBER, 2015**

Company (Exhibit)	Plant/Unit	EAF			ANOHR			Total Projected Max Fuel Savings (\$000's)
		Target	Maximum		Target	Maximum		
		EAF (%)	EAF (%)	Savings (\$000's)	ANOHR BTU/KWH	ANOHR BTU/KWH	Savings (\$000's)	
FPL (JCB-3)	Ft. Myers 2	84.1	86.6	4,632	7,197	7,064	3,269	7,901
	Martin 8	84.7	87.2	5,016	6,922	6,789	3,875	8,891
	Manatee 3	90.3	92.8	4,334	6,921	6,804	2,808	7,142
	St. Lucie 1	83.5	86.5	10,330	10,405	10,277	4,648	14,978
	St. Lucie 2	84.8	87.8	8,509	10,288	10,142	4,249	12,758
	Turkey Point 3	83.2	86.2	8,483	11,143	10,972	4,845	13,328
	Turkey Point 4	93.6	96.6	9,342	11,002	10,821	5,695	15,037
	Turkey Point 5	91.1	93.6	5,545	7,011	6,861	3,838	9,383
	West County 1	89.8	92.3	5,358	6,795	6,649	5,235	10,593
	West County 2	78.8	81.8	5,709	6,866	6,726	4,357	10,066
	West County 3	90.0	92.0	3,965	6,704	6,569	4,392	8,357
	Total			71,223			47,211	118,434

<i>DEF</i> <i>(MJJ-1P)</i>	<i>Bartow 4</i>	87.5	90.0	2,487	7,451	7,060	15,949	18,436
	<i>Crystal River 4</i>	91.9	95.6	3,181	10,354	9,885	7,968	11,149
	<i>Crystal River 5</i>	89.2	91.6	2,301	10,157	9,715	7,214	9,515
	<i>Hines 1</i>	86.3	87.3	397	7,266	6,823	7,824	8,221
	<i>Hines 2</i>	89.2	89.8	431	7,225	6,870	5,495	5,926
	<i>Hines 3</i>	92.3	93.2	734	7,151	6,680	9,234	9,968
	<i>Hines 4</i>	86.7	87.1	391	6,964	6,695	5,185	5,576
	<i>Total</i>			9,922			58,869	68,791
<i>GULF</i> <i>(MAY-2)</i>	<i>Crist 6</i>	81.1	81.6	0	12,533	12,157	150	150
	<i>Crist 7</i>	94.9	96.0	0	10,890	10,563	1,280	1,280
	<i>Daniel 1</i>	73.3	75.0	45	10,366	10,055	708	753
	<i>Daniel 2</i>	88.7	89.9	38	10,196	9,890	946	984
	<i>Smith 3</i>	92.7	93.4	137	6,852	6,646	3,728	3,865
	<i>Total</i>			220			6,812	7,032
<i>TAMPA ELECTRIC</i> <i>(BSB-2)</i>	<i>BIG BEND 1</i>	61.2	65.5	1,198	10,563	10,368	1,299	2,497
	<i>BIG BEND 2</i>	75.2	79.2	315	10,379	10,149	1,740	2,054
	<i>BIG BEND 3</i>	79.2	82.4	229	10,495	10,326	1,382	1,612
	<i>BIG BEND 4</i>	80.3	83.2	636	10,416	10,245	1,365	2,001
	<i>POLK 1</i>	77.1	79.6	92	10,552	10,020	2,565	2,656
	<i>BAYSIDE 1</i>	89.9	91.2	522	7,414	7,322	928	1,450
	<i>BAYSIDE 2</i>	86.6	88.4	1,557	7,447	7,351	1,577	3,134
	<i>Total</i>			4,549			10,856	15,405

FUEL FACTOR CALCULATION ISSUES

2015 Projected Net Fuel and Purchased Power Cost Recovery and Generating Performance Incentive

Upon review, we find appropriate the following projected net fuel and purchased power cost recovery and Generating Performance Incentive amounts to be included in the recovery factor for the period January 2015 through December 2015:

FPL: \$3,689,348,565 including prior period true-ups, revenue taxes and GPIF reward.

DEF: \$1,715,872,410.

GULF: \$479,588,629 including prior period true-up amounts and revenue taxes.

TAMPA ELECTRIC: The projected net fuel and purchased power cost recovery amount to be included in the recovery factor for the period January 2015 through December 2015, adjusted by the jurisdictional separation factor, is \$731,829,127. The total recoverable fuel and purchased power cost recovery amount to be collected, including the true-up and GPIF and adjusted for the revenue tax factor, is \$720,649,927.

FPUC: \$68,120,630, including prior period true-ups.

2015 Revenue Tax Factor

Upon review, we find that the appropriate revenue tax factor to be applied in calculating each investor-owned electric utility's levelized fuel factor for the projection period January 2015 through December 2015 is 1.00072.

2015 Levelized Fuel Cost Recovery Factors

Upon review, we find that the appropriate levelized fuel cost recovery factors for the period January 2015 through December 2015 shall be as follows:

FPL: 3.409 cents/kWh for January 2015 through December 2015.

DEF: 4.541 cents per kWh (adjusted for jurisdictional losses).

GULF: 4.335 cents/kWh.

TAMPA ELECTRIC: 3.868 cents per kWh before any application of time of use multipliers for on-peak or off-peak usage.

FPUC: 6.496 cents/kWh

Fuel Cost Recovery Line Loss Multipliers

Upon review, we find that the appropriate fuel recovery line loss multipliers to be used in calculating the fuel cost recovery factors charged to each rate class/delivery voltage level class are as follows:

FPL: The appropriate fuel cost recovery line loss multipliers are provided as part of the fuel cost recovery factors for each rate class/delivery voltage level class adjusted for line losses.

DEF:

<u>Group</u>	<u>Delivery Voltage Level</u>	<u>Line Loss Multiplier</u>
A.	Transmission	0.9800
B.	Distribution Primary	0.9900
C.	Distribution Secondary	1.0000
D.	Lighting Service	1.0000

FPUC: Consolidated Electric Division: 1.0000 (All rate schedules)

GULF: See table below:

Group	Rate Schedules	Line Loss Multipliers
A	RS, RSVP,GS, GSD, GSDT, GSTOU, OSIII, SBS(1)	1.00773
B	LP, LPT, SBS(2)	0.98353
C	PX, PXT, RTP, SBS(3)	0.96591
D	OSI/II	1.00777

(1) Includes SBS customers with a contract demand in the range of 100 to 499 kW
 (2) Includes SBS customers with a contract demand in the range of 500 to 7,499 kW
 (3) Includes SBS customers with a contract demand over 7,499 kW

TAMPA ELECTRIC: The appropriate fuel recovery line loss multipliers are as follows:

<u>Metering Voltage Schedule</u>	<u>Line Loss Multiplier</u>
Distribution Secondary	1.0000
Distribution Primary	0.9900
Transmission	0.9800
Lighting Service	1.0000

Fuel Cost Recovery Factors for Each Rate Class/Delivery

Upon review, we find that the appropriate fuel cost recovery factors for each rate class/delivery voltage level class adjusted for line losses are:

FPL:

FUEL RECOVERY FACTORS - BY RATE GROUP
(ADJUSTED FOR LINE/TRANSFORMATION LOSSES)
ESTIMATED FOR THE PERIOD OF: JANUARY 2015 THROUGH DECEMBER 2015

(1) GROUPS	(2) RATE SCHEDULE	(3) (4) (5) JANUARY - DECEMBER		
		Average Factor	Fuel Recovery Loss Multiplier	Fuel Recovery Factor
A	RS-1 first 1,000 kWh	3.409	1.00284	3.096
A	RS-1 all additional kWh	3.409	1.00284	4.096
A	GS-1, SL-2, GSCU-1, WIES-1	3.409	1.00284	3.419
A-1	SL-1, OL-1, PL-1 ⁽¹⁾	3.142	1.00284	3.151
B	GSD-1	3.409	1.00277	3.418
C	GSLD-1, CS-1	3.409	1.00182	3.415
D	GSLD-2, CS-2, OS-2, MET	3.409	0.99347	3.387
E	GSLD-3, CS-3	3.409	0.96714	3.297
A	GST-1 On-Peak	4.732	1.00284	4.745
	GST-1 Off-Peak	2.840	1.00284	2.848
A	RTR-1 On-Peak	-	-	1.326
	RTR-1 Off-Peak	-	-	(0.571)
B	GSDT-1, CILC-1(G), HLFT-1 (21-499 kW) On-Peak	4.732	1.00276	4.745
	GSDT-1, CILC-1(G), HLFT-1 (21-499 kW) Off-Peak	2.840	1.00276	2.848
C	GSLDT-1, CST-1, HLFT-2 (500-1,999 kW) On-Peak	4.732	1.00182	4.741
	GSLDT-1, CST-1, HLFT-2 (500-1,999 kW) Off-Peak	2.840	1.00182	2.845
D	GSLDT-2, CST-2, HLFT-3 (2,000+ kW) On-Peak	4.732	0.99407	4.704
	GSLDT-2, CST-2, HLFT-3 (2,000+ kW) Off-Peak	2.840	0.99407	2.823
E	GSLDT-3, CST-3, CILC-1(T), ISST-1(T) On-Peak	4.732	0.96714	4.577
	GSLDT-3, CST-3, CILC-1(T), ISST-1(T) Off-Peak	2.840	0.96714	2.747
F	CILC-1(D), ISST-1(D) On-Peak	4.732	0.99316	4.700
	CILC-1(D), ISST-1(D) Off-Peak	2.840	0.99316	2.821

⁽¹⁾ WEIGHTED AVERAGE 16% ON-PEAK AND 84% OFF-PEAK

DETERMINATION OF SEASONAL DEMAND TIME OF USE RIDER (SDTR)
 FUEL RECOVERY FACTORS
 ESTIMATED FOR THE PERIOD OF: JANUARY 2015 THROUGH DECEMBER 2015
 OFF PEAK: ALL OTHER HOURS

(1) GROUPS	(2) RATE SCHEDULE	(3) JUNE - SEPTEMBER		
		(4) Average Factor	(5) Fuel Recovery Loss Multiplier	(6) Fuel Recovery Factor
B	GSD(T)-1 On-Peak	6.845	1.00277	6.864
	GSD(T)-1 Off-Peak	2.789	1.00277	2.797
C	GSLD(T)-1 On-Peak	6.845	1.00182	6.857
	GSLD(T)-1 Off-Peak	2.789	1.00182	2.794
D	GSLD(T)-2 On-Peak	6.845	0.99407	6.804
	GSLD(T)-2 Off-Peak	2.789	0.99407	2.772

Note: On-Peak Period is defined as June through September, weekdays 3:00pm to 6:00pm
 Off Peak Period is defined as all other hours

Note: All other months served under the otherwise applicable rate schedule.
 See Schedule E-1E, Page 1 of 2.

Note: Totals may not add due to rounding.

DEF:

Fuel Cost Factors (cents/kWh) GSD-1, GSDT-1, SS-1, CS-1, CST-1, CS-2, CST-2, CS-3, CST-3, SS-3, IS-1, IST-1, IS-2, IST-2, SS-2, LS-1						
Group	Delivery Voltage Level	First Tier Factor	Second Tier Factors	Levelized Factors	Time of Use	
					On-Peak	Off-Peak
A	Transmission	--	--	4.554	6.130	3.812
B	Distribution Primary	--	--	4.601	6.193	3.851
C	Distribution Secondary	--	--	4.647	6.255	3.890
D	Lighting Secondary	--	--	4.332	--	--

Fuel Cost Factors (cents/kWh) RS-1, RST-1, RSL-1, RSL-2, RSS-1						
Group	Delivery Voltage Level	First Tier Factor	Second Tier Factors	Levelized Factors	Time of Use	
					On-Peak	Off-Peak
C	Distribution Secondary	4.323	5.323	4.598	6.189	3.849

Fuel Cost Factors (cents/kWh) GS-1, GST-1, GS-2						
Group	Delivery Voltage Level	First Tier Factor	Second Tier Factors	Levelized Factors	Time of Use	
					On-Peak	Off-Peak
A	Transmission	--	--	4.513	6.074	3.777
B	Distribution Primary	--	--	4.559	6.136	3.816
C	Distribution Secondary	--	--	4.605	6.198	3.854

GULF: See table below:

Group	Rate Schedules*	Line Loss Multipliers	Fuel Cost Factors ¢/KWH		
			Standard	Time of Use	
				On-Peak	Off-Peak
A	RS, RSVP,GS, GSD, GSDT, GSTOU, OSIII, SBS(1)	1.00773	4.369	5.174	4.031
B	LP, LPT, SBS(2)	0.98353	4.264	5.049	3.934
C	PX, PXT, RTP, SBS(3)	0.96591	4.187	4.959	3.864
D	OSI/II	1.00777	4.318	N/A	N/A

*The recovery factor applicable to customers taking service under Rate Schedule SBS is determined as follows: (1) customers with a contract demand in the range of 100 to 499 kW will use the recovery factor applicable to Rate Schedule GSD; (2) customers with a contract demand in the range of 500 to 7,499 kW will use the recovery factor applicable to Rate Schedule LP; and (3) customers with a contract demand over 7,499 kW will use the recovery factor applicable to Rate Schedule PX.

TAMPA ELECTRIC: The appropriate factors are as follows:

<u>Metering Voltage Level</u>	<u>Fuel Charge Factor (cents per kWh)</u>	
Secondary	3.874	
RS Tier I (Up to 1,000 kWh)	3.559	
RS Tier II (Over 1,000 kWh)	4.559	
Distribution Primary	3.835	
Transmission	3.797	
Lighting Service	3.830	
Distribution Secondary	4.114	(on-peak)
	3.772	(off-peak)
Distribution Primary	4.073	(on-peak)
	3.734	(off-peak)
Transmission	4.032	(on-peak)
	3.697	(off-peak)

FPUC: The appropriate levelized fuel adjustment and purchased power cost recovery factors for the period January 2015 through December 2015 for the Consolidated Electric Division, adjusted for line loss multipliers and including taxes, are as follows:

Rate Schedule	Adjustment
RS	\$0.10718
GS	\$0.10350
GSD	\$0.09833
GSLD	\$0.09467
LS	\$0.08034
Step rate for RS	
RS Sales	\$0.10718
RS with less than 1,000 kWh/month	\$0.10290
RS with more than 1,000 kWh/month	\$0.11540

Consistent with the fuel projections for the 2015 period, the appropriate adjusted Time of Use (TOU) and Interruptible rates for the Northwest Division for 2015 period are:

Time of Use/Interruptible

Rate Schedule	Adjustment On Peak	Adjustment Off Peak
RS	\$0.18690	\$0.06390
GS	\$0.14350	\$0.05350
GSD	\$0.13833	\$0.06583
GSLD	\$0.15467	\$0.06467
Interruptible	\$0.07967	\$0.09467

II. CAPACITY ISSUES

COMPANY-SPECIFIC CAPACITY COST RECOVERY FACTOR ISSUES

Duke Energy Florida, Inc.

Nuclear Cost Recovery Amount

Upon review, we find that DEF has included in the capacity cost recovery clause the following nuclear cost recovery amounts ordered in Docket No. 140009-EI:

For the Crystal River 3 Uprate project: \$63,249,670, expanded for revenue taxes.

For the Levy Nuclear Project the amounts are in the table below:

Exhibit 9

Duke Energy Florida

Impact of Billing change to Levy - CCR rate for demand based rate classes to be on a kW basis rather than on current kWh basis

	<u>2014 and Beyond</u>	
	<u>NCRC Impact</u>	
RS	0.345	cents/KWH
RS	3.45	\$/1000 KWH
GS - 1	0.252	cents/KWH
GS - 2	0.182	cents/KWH
GSD	0.84	\$/kW-Mo
CS	0.91	\$/kW-Mo
IS	0.69	\$/kW-Mo
LS	0.052	cents/KWH
Retail Avg	0.282	cents/KWH

All rates at Secondary - for primary and transmission use 99% and 98% adjustment

Florida Power & Light Company

Nuclear Cost Recovery Amount

Upon review, we find that FPL has included in the capacity cost recovery clause the nuclear cost recovery amount of \$14,287,862 ordered in Docket No. 140009-EI.

2015 projected non-fuel revenue requirements

Upon review, we find that the appropriate 2015 projected non-fuel revenue requirements for West County Energy Center Unit 3 (WCEC-3) to be recovered through the Capacity Clause is \$149,615,862.

GENERIC CAPACITY COST RECOVERY FACTOR ISSUES

2013 Capacity Cost Recovery Final True-Up Amounts

Upon review, we find the appropriate capacity cost recovery final true-up amounts for the period January 2013 through December 2013 are as follows:

<u>FPL:</u>	\$11,054,159 over-recovery.
<u>DEF:</u>	\$6,489,700 under-recovery.
<u>GULF:</u>	\$662,017 under-recovery.
<u>TAMPA ELECTRIC:</u>	\$8,074 under-recovery.

2014 Capacity Cost Recovery Actual/Estimated True-Up Amounts

Upon review, we find the appropriate capacity cost recovery actual/estimated true-up amounts for the period January 2014 through December 2014 are as follows:

<u>FPL:</u>	\$10,299,210 over-recovery.
<u>DEF:</u>	\$10,501,540 under-recovery.
<u>GULF:</u>	\$1,263,407 over recovery.
<u>TAMPA ELECTRIC:</u>	\$25,452 under-recovery.

2015 Total Capacity Cost Recovery True-Up Amounts

Upon review, we find the appropriate total capacity cost recovery true-up amounts to be collected/refunded during the period January 2015 through December 2015 are as follows:

<u>FPL:</u>	\$21,353,369 over-recovery.
<u>DEF:</u>	\$16,991,240 under-recovery.
<u>GULF:</u>	\$601,390 refund.
<u>TAMPA ELECTRIC:</u>	\$33,526 under-recovery.

2015 Projected Total Capacity Cost Recovery Amounts

Upon review, we find the appropriate projected total capacity cost recovery amounts for the period January 2015 through December 2015 are as follows:

<u>FPL:</u>	Jurisdictionalized, \$484,446,002 for the period January 2015 through December 2015, excluding prior period true-ups, revenue taxes, nuclear cost recovery amount, and WCEC-3 jurisdictional non-fuel revenue requirements.
<u>DEF:</u>	\$322,658,705.
<u>GULF:</u>	\$86,002,133.
<u>TAMPA ELECTRIC:</u>	\$31,915,558.

2015 Projected Net Purchased Power Capacity Cost Recovery Amounts

Upon review, we find the appropriate projected net purchased power capacity cost recovery amounts to be included in the recovery factor for the period January 2015 through December 2015 are as follows:

<u>FPL:</u>	The projected net purchased power capacity cost recovery amount to be recovered over the period January 2015 through December 2015 is \$627,340,071, including prior period true-ups, revenue taxes, the nuclear cost recovery amount and WCEC-3 revenue requirements.
<u>DEF:</u>	The appropriate projected net purchased power capacity cost recovery amount, excluding nuclear cost recovery, is \$339,894,492. The appropriate nuclear cost recovery amount is that which is approved in Issue 23.
<u>GULF:</u>	\$85,462,232 including prior period true-up amounts and revenue taxes.
<u>TAMPA ELECTRIC:</u>	The total recoverable capacity cost recovery amount to be collected, including the true-up amount and adjusted for the revenue tax factor, is \$31,972,087.

2015 Jurisdictional Separation Factors

Upon review, we find the appropriate jurisdictional separation factors for capacity revenues and costs to be included in the recovery factor for the period January 2015 through December 2015 are as follows:

FPL: FPSC 94.64598%
FERC 5.35402%

DEF: Base – 92.885%, Intermediate – 72.703%, Peaking – 95.924%,
consistent with the Revised and Restated Stipulation and
Settlement Agreement approved in Order No. PSC-13-0598-FOF-
EI, at p. 54.

GULF: 97.07146%.

TAMPA ELECTRIC: 1.0000000.

2015 Capacity Cost Recovery Factors

FPL: The January 2015 through December 2015 capacity cost recovery factors including WCEC-3 factors are as follows:

RATE SCHEDULE	Total Jan 2015 - Dec 2015 Capacity Recovery Factor			
	(\$KW)	(\$/kwh)	RDC (\$/KW) (1)	SDD (\$/KW) (2)
RS1/RTR1	-	0.00635	-	-
GS1/GST1/WIES1	-	0.00571	-	-
GSD1/GSDT1/HLFT1	1.99	-	-	-
OS2	-	0.00537	-	-
GSLD1/GSLDT1/CS1/CST1/HLFT2	2.18	-	-	-
GSLD2/GSLDT2/CS2/CST2/HLFT3	2.23	-	-	-
GSLD3/GSLDT3/CS3/CST3	2.36	-	-	-
SST1T	-	-	\$0.28	\$0.13
SST1D1/SST1D2/SST1D3	-	-	\$0.28	\$0.13
CILC D/CILC G	2.43	-	-	-
CILC T	2.39	-	-	-
MET	2.71	-	-	-
OL1/SL1/PL1	-	0.00150	-	-
SL2, GSCU1	-	0.00396	-	-

DEF:

<u>Rate Class</u>	<u>CCR Factor</u>
Residential	1.619 cents/kWh
General Service Non-Demand	1.282 cents/kWh
@ Primary Voltage	1.269 cents/kWh
@ Transmission Voltage	1.256 cents/kWh
General Service 100% Load Factor	0.883 cents/kWh
General Service Demand	4.19 \$/kW-month
@ Primary Voltage	4.15 \$/kW-month
@ Transmission Voltage	4.11 \$/kW-month
Curtailable	3.13 \$/kW-month
@ Primary Voltage	3.10 \$/kW-month
@ Transmission Voltage	3.07 \$/kW-month
Interruptible	3.52 \$/kW-month
@ Primary Voltage	3.48 \$/kW-month
@ Transmission Voltage	3.45 \$/kW-month
Standby Monthly	0.410 \$/kW-month
@ Primary Voltage	0.406 \$/kW-month
@ Transmission Voltage	0.402 \$/kW-month
Standby Daily	0.195 \$/kW-month
@ Primary Voltage	0.193 \$/kW-month
@ Transmission Voltage	0.191 \$/kW-month
Lighting	0.235 cents/kWh

GULF:

See table below:

RATE CLASS	CAPACITY COST RECOVERY FACTORS ¢/KWH
RS, RSVP	0.916
GS	0.810
GSD, GSDT, GSTOU	0.703
LP, LPT	2.82 (\$/kW)
PX, PXT, RTP, SBS	0.579
OS-I/II	0.122
OSIII	0.543

TAMPA ELECTRIC: The appropriate factors for January 2015 through December 2015 are as follows:

<u>Rate Class and Metering Voltage</u>	<u>Capacity Cost Recovery Factor</u>	
	<u>Cents per kWh</u>	<u>\$ per kW</u>
RS Secondary	0.204	
GS and TS Secondary	0.183	
GSD, SBF Standard Secondary		0.63
Primary		0.62
Transmission		0.62
GSD Optional Secondary	0.147	
Primary	0.146	
IS, SBI Primary		0.41
Transmission		0.40
LSI Secondary	0.025	

III. EFFECTIVE DATE

Upon review, we find the new factors shall be effective beginning with the specified billing cycle and thereafter for the period January through the last billing cycle for December 2015. The first billing cycle may start before January 1, 2015, and the last billing cycle may read for December 31, 2015, so that each customer is billed for 12 months regardless of when the fuel factors became effective. The new factors shall continue in effect until modified by us.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the findings set forth in the body of this Order are hereby approved. It is further

ORDERED that Florida Power & Light Company, Florida Public Utilities Company, Gulf Power Company, Duke Energy Florida, Inc., and Tampa Electric Company are hereby authorized to apply the fuel cost recovery factors set forth herein during the period January 2015 through December 2015. It is further

ORDERED the estimated true-up amounts contained in the fuel cost recovery factors approved herein are hereby authorized subject to final true-up and further subject to proof of the reasonableness and prudence of the expenditures upon which the amounts are based. It is further

ORDER NO. PSC-14-0701-FOF-EI
DOCKET NO. 140001-EI
PAGE 25

ORDERED that Florida Power & Light Company, Duke Energy Florida, Inc., Gulf Power Company, and Tampa Electric Company are hereby authorized to apply the capacity cost recovery factors as set forth herein during the period January 2015 through December 2015. It is further

ORDERED that the estimated true-up amounts contained in the capacity cost recovery factors approved herein are hereby authorized subject to final true-up and further subject to proof of the reasonableness and prudence of the expenditures upon which the amounts are based. It is further

ORDERED that the Fuel and Purchased Power Cost Recovery Clause With Generating Performance Incentive Factor docket is an on-going docket and shall remain open until issuance of a final order on the gas reserve issues and the time for appeal has run.

By ORDER of the Florida Public Service Commission this 19th day of December, 2014.



CARLOTTA S. STAUFFER
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.

MFB

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: Initiation of show cause proceedings
against Country Club Utilities, Inc. in
Highlands County for violations of Rule 25-
30.120, FAC, Regulatory Assessment Fees;
Water and Wastewater Utilities.

DOCKET NO. 140031-WS
ORDER NO. PSC-14-0225-AS-WS
ISSUED: May 12, 2014

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

ORDER APPROVING SETTLEMENT AGREEMENT
AND
FINALIZING SHOW CAUSE ORDER

BY THE COMMISSION:

CASE BACKGROUND

Our staff opened Docket No. 140031-WS to initiate show cause proceedings against Country Club Utilities, Inc. (Country Club or Utility) for apparent violations of Florida Statutes and Commission rules and regulations in failing to remit payment of its annual Regulatory Assessment Fees (RAFs) for the years 2010, 2011 and 2012.

On March 17, 2014, we issued Order No. PSC-14-0131-SC-WS¹ (Show Cause Order), ordering Country Club to remit payment of its delinquent RAFs, in the amount of \$30,810.28, plus penalties and interest in the amount of \$16,026.63, by April 17, 2014 or show cause, in writing, why it was not obligated to remit payment for its delinquent RAFs, plus statutory penalties and interest, for the years 2010, 2011 and 2012. On April 10, 2014, Country Club filed its Response to Order to Show Cause and Petition for a Hearing.

¹ See Order No. PSC-14-0131-SC-WS, issued March 17, 2014, in Docket No. 140031-WS, In re: Initiation of show cause proceedings against Country Club Utilities, Inc. in Highlands County for violations of Rule 25-30.120, FAC, Regulatory Assessment Fees; Water and Wastewater Utilities.

2013 Regulatory Assessment Fees

On February 26, 2014, we received Country Club's 2013 RAF returns for water and wastewater, wherein Country Club reported a total gross revenue of \$147,666.39 for water and \$98,166.94 for wastewater. On April 3, 2014, Country Club filed its annual report for 2013, reporting a total gross revenue of \$144,079 for water and \$98,167 for wastewater. Based on its annual report filing, Country Club was required to remit a RAF payment in the amount of \$6,483.60 for water and \$4,417.51 for wastewater, by March 31, 2013. To date, Country Club has not remitted payment of its 2013 RAFs.

Accordingly, as of May 14, 2014, the amounts owed by Country Club for delinquent RAFs plus statutory penalty and interest, for the years 2010, 2011, 2012, and 2013, are as follows:

YEAR	REVENUES	RAFS (4.5%)	PAYMENTS	PENALTY 5 - 25% (THRU 05/14/14)	INTEREST 1% (THRU 05/14/14)	TOTAL DUE
2010	\$238,846.00	\$10,748.08	\$2,500.00	\$2,687.02	\$3,886.75	\$14,821.85
2011	\$250,425.00	\$11,269.13	\$0.00	\$2,817.28	\$2,929.97	\$17,016.38
2012	\$250,957.00	\$11,293.07	\$0.00	\$2,823.27	\$1,581.03	\$15,697.37
2013 ²	\$242,247.00	\$10,901.11	\$0.00	\$1,090.11	\$218.02	\$12,209.24
TOTALS	\$982,475.00	\$44,211.39	\$2,500.00	\$9,417.68	\$8,615.77	\$59,744.84

Settlement Discussions

On March 24, 2014, our staff participated in a telephone conference with Country Club's owner, Greg Harris, and Mr. Harris' accountant, Mr. Robert Reed, to discuss the terms of a possible settlement. Although a settlement was not reached on that date, the parties agreed to a second telephone conference, for the purposes of continuing settlement discussions. On April 2, 2014, our staff and Mr. Harris participated in a second telephone conference, where our staff and Mr. Harris tentatively agreed on terms for a proposed settlement of this docket. After the second telephone conference, our staff and Mr. Harris exchanged several drafts of the proposed Settlement Agreement. On May 2, 2014, Country Club filed a letter requesting we accept its proposed Settlement Agreement, which is attached hereto as Attachment 1.

² Although the Show Cause Order did not include the failure to remit 2013 RAFs, Country Club's proposed Settlement Agreement acknowledges the obligation to remit payment of its 2013 RAFs, plus penalty and interest, and includes a payment plan for satisfying the obligation. Additionally, we note that the 2013 RAFs, penalty and interest figures outlined in the table above are the most current calculations of the amount owed by Country Club for 2013. As such, the table contained in this Order supersedes the amounts outlined in the Table on page 1 of Exhibit A to the Settlement Agreement.

We have jurisdiction pursuant to Sections 120.57, 350.113, 367.121, 367.145, 367.161, F.S., and Rule 25-30.120, F.A.C.

DECISION

Acceptance of Settlement

On May 2, 2014, Country Club filed a letter with the attached proposed Settlement Agreement, in an effort to fully resolve its apparent violations of Rule 25-30.120, FAC, Regulatory Assessment Fees; Water and Wastewater Utilities and delinquent RAFs, penalties and interest. The goal of any show cause proceeding, is to ensure compliance with Florida law and the Commission's rules and orders. It appears as though the proposed Settlement Agreement accomplishes this goal and provides a remedy for past violations.

Significant provisions of the Settlement Agreement include:

- Country Club acknowledges its obligation, pursuant to Sections 367.145 and 350.113, F.S., and Rule 25-30.120, F.A.C., to remit payment of its Regulatory Assessment Fees, plus statutory penalties and interest, for the years 2010, 2011, 2012, and 2013.
- Country Club will make a one-time payment of \$19,517.27, by May 14, 2014, to satisfy the principal balance of the RAF amounts Country Club owes for 2010 and 2011.
- Beginning on September 15, 2014, Country Club will begin making monthly payments, by the fifteenth of each month, in the amount of \$1,000.00, in an effort to pay off the balance of its 2012 and 2013 RAFs, as well as penalties and interest for 2010, 2011, 2012, and 2013.
- Country Club will submit payment of its 2014 and future RAFs to the Commission, timely and in full.
- Country Club agrees to waive its right to an administrative formal hearing pursuant to Sections 120.569 and 120.57, F.S., and will withdraw its petition for formal hearing filed on April 10, 2014, in this docket, within ten (10) days of the approval of the Settlement Agreement.
- The Commission will conditionally waive its right to seek civil remedies against Country Club for failing to remit payment of RAFs, penalties and interest, provided that Country Club complies with all of the terms of this Settlement Agreement and any final Commission order approving the agreement.

- Country Club will notify the Commission prior to any sale, conveyance, or abandonment of the utility or the property it is located upon, and/or the initiation of any bankruptcy proceedings involving the utility or its property. In addition, Country Club will provide a copy of the Settlement Agreement and Commission order approving the agreement to any purchaser, operator, or person assuming control of Country Club and/or any court presiding over any abandonment or bankruptcy proceeding involving Country Club.
- The agreement does not prevent a Party from filing suit to specifically enforce any of the terms of the agreement; and the Commission reserves the right to initiate appropriate legal action to address any violations of Commission rules or statutes that are not specifically related to the agreement.
- Should Country Club fail to comply with any of the terms of the proposed Settlement Agreement, such failure would be considered a breach of the agreement and automatically accelerate the balance of any unpaid RAFs, penalties and interest, which would then become immediately due. In addition, the Commission will seek to enforce the terms of the Settlement Agreement and pursue all reasonable means necessary to collect the amounts owed, including, but not limited to, placing a lien on the real and personal property of Country Club.

We find that, taken in its entirety, the Settlement Agreement provides a reasonable resolution of the outstanding issues in Docket No. 140031-WS in accordance with Section 120.57(4), F.S. In addition, we find the Settlement Agreement to be in the public interest, as it provides for the utility's future compliance with Florida Statutes and Commission Rules. Moreover, the Settlement Agreement promotes administrative efficiency and avoids the time and expense of a hearing. Accordingly, we hereby approve and accept the Settlement Agreement proposed by Country Club, in full as attached hereto as Attachment 1.

Closure of Docket

We find that the Settlement Agreement resolves all matters in Docket No. 140031-WS in accordance with Section 120.57(4), F.S., and, as a result, our Show Cause Order No. PSC-14-0131-SC-WS, issued on March 17, 2014, shall become final. This docket shall remain open in order to process the settlement payments and to monitor ongoing compliance of the terms of the Settlement Agreement. Once the terms of the Settlement Agreement and all outstanding amounts owed by Country Club have been satisfied, the docket shall be administratively closed. Should Country Club fail to comply with any of the terms of the Settlement Agreement, the Commission will seek to enforce the Settlement Agreement and pursue all reasonable means necessary to collect the amounts owed by Country Club, pursuant to Sections 120.69 and 367.121(1)(g) and (j), F.S., including, but not limited to, initiating an action in civil court and/or procuring a lien on the real and personal property of Country Club.

Based on the foregoing, it is

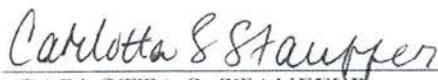
ORDERED by the Florida Public Service Commission that the Settlement Agreement, attached hereto as Attachment I, is hereby approved, resolving all outstanding matters in this docket in accordance with Section 120.57(4), F.S. It is further,

ORDERED that Order No. PSC-14-0131-SC-WS, issued on March 17, 2014, shall become final and Country Club Utilities, Inc. shall withdraw its petition for formal hearing, within ten (10) days of the date of this Order. It is further,

ORDERED, that this docket shall remain open to process settlement payments received and to monitor compliance with the terms of this Settlement Agreement. Once all the terms of the Settlement Agreement and all outstanding amounts owed by Country Club Utilities, Inc. have been satisfied, the docket shall be administratively closed. It is further,

ORDERED, that, should Country Club Utilities, Inc. breach the terms of the Settlement Agreement, the Florida Public Service Commission shall seek to enforce the Settlement Agreement and pursue all reasonable means necessary to collect any amounts owed, including, but not limited to, initiating an action in circuit court and/or procuring a lien on the real and personal property of Country Club Utilities, Inc., pursuant to Sections 120.69 and 367.121(1)(g) and (j), F.S.

By ORDER of the Florida Public Service Commission this 12th day of May, 2014.



CARLOTTA S. STAUFFER
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.

FILED MAY 02, 2014
DOCUMENT NO. 02031-14
FPSC - COMMISSION CLERK

Country Club Utilities, Inc.

May 2, 2014

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

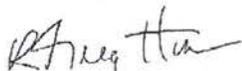
Re: Docket No. 140031-WS
Country Club Utilities Settlement Agreement

Dear Commissioners:

I respectfully ask that you consider approving the Settlement Agreement as prepared by staff and signed by me.

Staff has worked very closely with me to remedy this violation and I am grateful. I also appreciate your consideration previously and hope you will approve this current agreement.

Sincerely,



R. Greg Harris, President

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings
against Country Club Utilities, Inc. in
Highlands County for violations of Rule 25-
30.120, FAC, Regulatory Assessment Fees;
Water and Wastewater Utilities.

DOCKET NO. 140031-WS

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4), Florida Statutes (F.S.), Country Club Utilities, Inc. (Country Club) hereby files this Settlement Agreement to effect an informal disposition and binding resolution of any and all matters and issues that were, or might have been, addressed by the Florida Public Service Commission (Commission) in Docket No. 140031-WS. This Settlement Agreement avoids the time, expense and uncertainty associated with adversarial litigation. The terms of this Settlement Agreement are as follows:

1. Country Club acknowledges its obligation, pursuant to Sections 367.145 and 350.113, F.S., and Rule 25-30.120, Florida Administrative Code (F.A.C.), to remit payment of its Regulatory Assessment Fees, plus statutory penalties and interest, for the years 2010, 2011, 2012, and 2013, as shown in Exhibit A attached hereto.
2. In consideration of Country Club's complete and timely performance of all the obligations agreed to in this Settlement Agreement, the Commission conditionally waives its right to seek civil remedies against Country Club for failing to remit payment of RAFs, penalties and interest for the years 2010, 2011, 2012, and 2013, pursuant to Sections 367.145 and 350.113, F.S., and Rule 25-30.120, F.A.C. This waiver is conditioned upon Country Club's complete compliance with all of the terms of this Settlement Agreement and any final Commission order approving this agreement.

Docket No. 140031-WS

Country Club Settlement Agreement

3. In lieu of the Commission pursuing all reasonable means necessary to collect the amounts owed by Country Club, including, initiating action in circuit court, Country Club will perform the following:
 - a. Submit payment to the Commission in the amount of \$19,517.21, by **May 14, 2014**, satisfying the principal balance of Country Club's 2010 and 2011 Regulatory Assessment Fees (RAFs);
 - b. Submit a monthly payment of \$1,000.00 to the Commission, by the **15TH** of every month, beginning on **September 15, 2014**, and continuing until the balance of any outstanding RAFs, penalties and interest has been paid; and
 - c. Submit payment of its 2014 and future RAFs to the Commission, timely and in full.

4. The Commission shall apply all payments made by Country Club under this Settlement Agreement in the following manner:
 - a. To the principal balance of any unpaid year's RAFs, beginning with the oldest year to the most recent year, until the principal balance of any year's unpaid RAFs has been satisfied; and
 - b. To the penalty and interest balance assessed to each year of delinquent RAFs, beginning with the oldest year to the most recent year, until the penalty and interest balance of each year's delinquent RAFs has been satisfied.

5. Failure by Country Club (i) to submit its initial payment of \$19,517.21 payment by May 15, 2014, (ii) to timely submit two (2) consecutive \$1,000.00 installment payments outlined above, or (iii) to abide by any of the other terms contained herein, shall be considered a breach of this Settlement Agreement, automatically accelerating the balance of any unpaid RAFs, penalties and interest, which will then become immediately due.

6. Additional Payment Terms:
 - a. All payments shall be made payable to the "Florida Public Service Commission," include Docket No. 140031-WS on the memo line, and be sent to "Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, ATTENTION: Fiscal Services."

Docket No. 140031-WS

Country Club Settlement Agreement

- b. Payment is considered "timely" if properly addressed, mailed with sufficient postage and postmarked no later than the due date.
 - c. Payment is considered "paid" on the date it is received and logged in by the Commission's Division of Administrative and Information Technology Services in Tallahassee, Florida, or on the date the payment is postmarked by the United States Postal Service.
 - d. Payment that is returned by a financial institution for insufficient funds, or any other reason, is a failure to submit timely payment. Pursuant to Section 215.34(2), a service fee of \$15.00 or five percent (5%) of the amount of the payment returned, whichever is greater, shall be assessed to any payment returned by a financial institution for insufficient funds, or for any other reason. Two (2) returned payments shall be considered a breach of this Settlement Agreement, automatically accelerating the balance of any unpaid RAFs, penalties and interest, which will then become immediately due.
7. In the event Country Club, including the property upon which Country Club is located, becomes the subject of a sale, conveyance, abandonment, or bankruptcy and all of the terms of this Settlement Agreement have not been fully satisfied, Country Club shall:
 - a. Notify the Commission at least sixty (60) days prior to the sale, conveyance, abandonment or initiating bankruptcy proceedings;
 - b. Provide the name and address of the purchaser, operator, or person to assume or in control of Country Club;
 - c. Provide a copy of this Settlement Agreement, final Commission order approving the Settlement Agreement and all attachments to the purchaser, operator, or person assuming control of Country Club; and
 - d. Provide a copy of this Settlement Agreement, final Commission order approving the Settlement Agreement and all attachments to the court presiding over any abandonment or bankruptcy proceeding involving Country Club.
8. The submission of this Settlement Agreement by Country Club is in the nature of an offer to settle. This Settlement Agreement is contingent on the Commission accepting the entire Settlement Agreement. Consequently, if this Settlement Agreement is not accepted

Docket No. 140031-WS

Country Club Settlement Agreement

and approved without modification, then the settlement proposal is rejected and the Settlement Agreement shall be considered null and void and of no further force or effect.

9. This Settlement Agreement will take effect the day after it is approved by the Commission. Country Club understands that the Commission's decision will be reflected in a final order.
10. Neither Party to this Settlement Agreement will request, support, or seek to impose a change in the application of any provision of this Settlement Agreement. Provided the Commission approves the Settlement Agreement, Country Club waives its right to request further administrative or judicial proceedings concerning any of the matters, which were, or might have been, addressed by the Commission in resolving Docket No. 140031-WS, except proceedings to enforce this Settlement Agreement. This waiver of the right to further administrative or judicial proceedings shall include, but not be limited to: a petition for a formal proceeding in the form provided by Rule 28-106.201 or 28-106.2015, F.A.C.; a motion for reconsideration of the decision in this matter in the form prescribed by Rule 25-22.060, F.A.C.; or a notice of appeal to initiate judicial review by the Florida First District Court of Appeal pursuant to Fla. R. App. P. 9.110, in the form specified in Fla. R. App. P. 9.900(a).
11. Nothing in this Settlement Agreement shall prevent the Parties from filing suit to specifically enforce any of the terms of this Settlement Agreement. The Commission reserves the right to initiate appropriate legal action to address any violations of rules or statutes administered by the Commission that are not specifically related to or resolved by this Settlement Agreement.

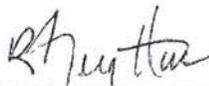
Docket No. 140031-WS

Country Club Settlement Agreement

12. In consideration for entering into this agreement, Country Club acknowledges, agrees, and waives its right to an administrative formal hearing pursuant to Sections 120.569 and 120.57, F.S., and shall withdraw its petition for formal hearing filed on April 10, 2014, in Docket 140031-WS, within ten (10) days of approval of this Settlement Agreement. Country Club further acknowledges, agrees, and waives its right to appeal the final order on this matter.
13. This Settlement Agreement resolves all matters in Docket No. 140031-WS in accordance with Section 120.57(4), F.S. Docket No. 140031-WS will continue to remain open until all the terms of this Settlement Agreement have been satisfied by Country Club.
14. This Settlement Agreement constitutes a single, integrated written contract expressing the entire agreement between the Parties and superseding all other agreements, representations, and understandings on the subject matter herein. There is no other agreement, oral or written, expressed or implied, between the Parties with respect to the subject-matter herein, except this Settlement Agreement.

Signed this 1st day of May, 2014.

BY:



R. Greg Harris, President
COUNTRY CLUB UTILITIES, INC.
3035 Wynstone Drive
Sebring, FL 33875
Telephone: (863) 385-6330
Email: rgregharris@gmail.com

Docket No. 140031-WS

Settlement Agreement – Exhibit A

TOTAL RAFs, PENALTY & INTEREST OUTSTANDING

YEAR	REVENUES	RAFs (4.5%)	PAYMENTS	PENALTY (5-25%) (THRU 05/14/14)	INTEREST (1%) (THRU 05/14/14)	TOTAL DUE
2010	\$238,846.00	\$10,748.08	\$2,500.00	\$2,687.02	\$3,886.75	\$14,821.85
2011	\$250,425.00	\$11,269.13	\$0.00	\$2,817.28	\$2,929.97	\$17,016.38
2012	\$250,957.00	\$11,293.07	\$0.00	\$2,823.27	\$1,581.03	\$15,697.37
2013	\$245,833.33	\$11,293.06	\$0.00	\$1,129.31	\$225.86	\$12,648.23
TOTALS		\$44,603.34	\$2,500	\$9,456.88	\$8,623.61	\$60,183.83

Docket No. 140031-WS

Settlement Agreement – Exhibit A

RAF BREAKDOWN BY SERVICE & YEAR

2010	REVENUES	RAFs (4.5%)	PENALTY (25%)	INTEREST (1%) (THRU 05/14/14)	TOTAL DUE
WATER	\$144,853.00	\$6,518.39	\$1,629.60	\$2,389.67	\$10,537.66
SEWER	\$93,993.00	\$4,229.69	\$1,057.42	\$1,497.08	\$6,784.19
PAYMENTS	---	\$2,500.00	\$0.00	\$0.00	\$2,500.00
TOTALS	\$238,846.00	\$8,248.08	\$2,687.02	\$1,581.03	\$14,821.85

2011	REVENUES	RAFs (4.5%)	PENALTY (25%)	INTEREST (1%) (THRU 05/14/14)	TOTAL DUE
WATER	\$149,425.00	\$6,724.13	\$1,681.03	\$1,748.27	\$10,153.43
SEWER	\$101,000.00	\$4,545.00	\$1,136.25	\$1,181.70	\$6,862.95
PAYMENTS	---	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$250,425.00	\$11,269.13	\$2,817.28	\$2,929.97	\$17,016.38

Docket No. 140031-WS

Settlement Agreement – Exhibit A

RAF BREAKDOWN BY SERVICE & YEAR

2012	REVENUES	RAFs (4.5%)	PENALTY (25%)	INTEREST (1%) (THRU 05/14/14)	TOTAL DUE
WATER	\$151,060.00	\$6,797.70	\$1,699.43	\$951.68	\$9,448.81
SEWER	\$99,897.00	\$4,495.37	\$1,123.84	\$629.35	\$6,248.56
PAYMENTS	----	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$250,957.00	\$11,293.07	\$2,823.27	\$1,581.03	\$15,697.37

2013	REVENUES	RAFs (4.5%)	PENALTY (10%) (THRU 05/14/14)	INTEREST (1%) (THRU 05/14/14)	TOTAL DUE
WATER	\$144,080.00	\$6,483.60	\$648.36	\$129.67	\$7,261.63
SEWER	\$98,167.00	\$4,417.51	\$441.75	\$88.35	\$4,947.61
PAYMENTS	----	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$242,247.00	\$10,901.11	\$1,090.11	\$218.02	\$12,209.24