



Matthew R. Bernier  
Senior Counsel  
Duke Energy Florida, Inc.

January 27, 2015

**VIA ELECTRONIC FILING**

Ms. Carlotta Stauffer, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

*Re: Joint Petition of Suwannee Valley Electric Cooperative, Inc., and Duke Energy Florida, Inc., to Extend Territorial Agreement; Docket No. \_\_\_\_\_*

Dear Ms. Stauffer:

On behalf of Duke Energy, Florida, Inc., and Suwannee Valley Electric Cooperative, Inc., please find enclosed for filing the original Joint Petition to reopen and extend the term of their existing territorial agreement in Columbia, Lafayette, Madison, and Suwannee Counties, along with a Stipulation Regarding Territorial Agreement attached as Exhibit "A."

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

*s/Matthew R. Bernier*  
Matthew R. Bernier  
Senior Counsel

MRB/db  
Enclosure

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Joint Petition of Suwannee Valley Electric Cooperative and Duke Energy Florida to reopen and extend the term of their existing territorial agreement in Columbia, Lafayette, Madison, and Suwannee Counties.

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Docket No. \_\_\_\_\_

Submitted for filing:

JAN. 27, 2015

**JOINT PETITION**

Suwannee Valley Electric Cooperative, Inc. ("SVEC") and Duke Energy Florida, Inc. ("DEF") (collectively, "the Joint Petitioners"), pursuant to Section 366.04(2)(d), Fla. Stat., and Rule 25-6.0440, F.A.C., jointly petition the Florida Public Service Commission ("the Commission") to reopen and extend the term of their existing territorial agreement in Columbia, Lafayette, Madison, and Suwannee Counties, extending the term of the agreements through March 14, 2016, which is intended to allow the Joint Petitioners additional time to pursue their negotiations toward a new consolidated territorial agreement. In support hereof, the Joint Petitioners represent as follows:

1. The Joint Petitioners are electric utilities organized under the laws of Florida and are subject to the regulatory jurisdiction of the Commission pursuant to Section 366.04(2), Fla. Stat. SVEC's principal offices are located in LIVE OAK, Florida. DEF's principal offices are located in St. Petersburg, Florida.
2. All pleadings, notices, and other communications in this matter should be served on the undersigned attorneys for SVEC and DEF.


3. SVEC and DEF are parties to a territorial agreement delineating their respective service territories in Columbia, Lafayette, Madison, and Suwannee Counties (the "Agreement"), which was approved by the Commission in Order No. PSC-95-0351-FOF-EU, issued March 14, 1995 in Docket No. 940331-EU. The Agreement has a 20-year term that expires on March 14, 2015.

4. SVEC and DEF have been conducting discussions regarding a new territorial agreement to replace the Agreement. It has become apparent to the parties that they will need additional time beyond March 2015 to successfully conclude their negotiations. To provide sufficient time for SVEC and DEF to thoroughly pursue continued negotiations and, if successful, to seek Commission approval of a replacement territorial agreement, the parties have entered into a stipulation attached as Exhibit A to this Joint Petition (the "Stipulation") which, upon approval by this Commission, will reopen the Agreement and will extend its expiration date through March 14, 2016. This Stipulation should allow the Joint Petitioners enough time to conclude their negotiations.

5. The Commission has long recognized that properly constructed territorial agreements between adjacent utilities are in the public interest. The Joint Petitioners believe and therefore represent that the Stipulation, which will provide them a further opportunity to enter into such a territorial agreement, is similarly in the public interest.

WHEREFORE, SVEC and DEF respectfully request that the Commission grant this Joint Petition and approve the Stipulation contained in Exhibit A hereto.

Respectfully submitted,

  
Dianne M. Triplett  
Associate General Counsel  
Matthew R. Bernier

Senior Counsel  
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**EXHIBIT A**

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**STIPULATION REGARDING TERRITORIAL AGREEMENT**

**Between**

**Suwannee Valley Electric Cooperative**

**And**

**Duke Energy Florida**

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**STIPULATION REGARDING TERRITORIAL AGREEMENT**

Suwannee Valley Electric Cooperative, Inc. ("SVEC") and Duke Energy Florida, Inc. ("DEF") enter into this Stipulation regarding their previous territorial agreement for Columbia, Lafayette, Madison, and Suwannee Counties on this 26<sup>th</sup> day of January, 2015.

**WITNESSETH:**

WHEREAS, SVEC and DEF are parties to a territorial agreement delineating their respective service territories in Columbia, Lafayette, Madison, and Suwannee Counties (the "Agreement"), which was approved by order of the Florida Public Service Commission ("FPSC"); and

WHEREAS, the term of the Agreement expires on March 14, 2015; and

WHEREAS, SVEC and DEF have entered into negotiations for the purpose of reaching a new territorial agreement to replace the Agreement; and

WHEREAS, SVEC and DEF recognize that they will need additional time to successfully conclude their negotiations; and

WHEREAS, SVEC and DEF desire to reopen and extend the term of the Agreement through March 14, 2016, in order to provide sufficient time to pursue the opportunity for a successful conclusion of their negotiations, and to seek Commission approval of the resulting new territorial agreement,

NOW, THEREFORE, SVEC and DEF hereby agree as follows:

1. The Agreement shall be reopened and effective between the parties.

2. The term of the Agreement is extended to and including March 14, 2016.
3. Except as modified herein, the original terms and conditions of the Agreement shall remain in full force and effect.
4. This Stipulation will become effective and enforceable only upon the issuance of an order by the Florida Public Service Commission approving the Stipulation in its entirety.

IN WITNESS WHEREOF, SVEC and DEF have caused this Stipulation to be executed in duplicate by their duly authorized representatives on the day and year first above stated.

SUWANNEE VALLEY ELECTRIC COOPERATIVE, INC.

By: Michael S. McWaters

Name: Michael S. McWaters

Title: Executive V.P. & CEO

DUKE ENERGY FLORIDA, INC.

By: Alex Glenn

Name: ALEX GLENN

Title: STATE PRESIDENT

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| DUKE ENERGY, INC.<br>LEGAL DEPARTMENT<br>APPROVED BY: <u>[Signature]</u><br>DATE: <u>1/26/15</u> |
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