

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc.	DOCKET NO. 150148-EI
In re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.	DOCKET NO. 150171-EI DATED: March 9, 2016

**DUKE ENERGY FLORIDA, LLC'S MOTION FOR APPROVAL OF STIPULATION TO AMEND RRSSA**

Duke Energy Florida, LLC (“DEF” or the “Company”) hereby moves the Florida Public Service Commission (“Commission”) to approve the attached Proposed Stipulation to Amend the Revised and Restated Stipulation and Settlement Agreement (“Stipulation”), including Exhibit 1 to the Stipulation (“Second RRSSA Amendment”).

1. DEF, the Office of Public Counsel (“OPC”), White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate (“PCS Phosphate”), the Florida Retail Federation (“FRF”), and the Florida Industrial Power Users Group (“FIPUG”) (collectively the “Parties”) have entered into the Stipulation to amend the Revised and Restated Stipulation and Settlement Agreement (“RRSSA”).

2. The parties also request that the RRSSA be amended as reflected in Exhibit 1 to the Stipulation. The Second RRSSA Amendment contains targeted and limited changes to clarify how certain Extended Power Uprate (“EPU”) costs should be recovered through the capacity cost recovery clause in a manner that preserves and is consistent with the original intent of the parties at the time the RRSSA was found by the Commission to be in the public interest. It is the intent of the parties that all provisions of the RRSSA remain in full force and effect, except for the matters specifically addressed in the proposed second amendment, reflected in the attached

Stipulation. The method of recovery outlined in the Second RRSSA Amendment gives certainty to customers and is superior in terms of carrying costs than the recovery contemplated in the original RRSSA. The stipulating parties each agree that the Second RRSSA Amendment is, therefore, in the best interest of DEF's customers and in the public interest.

3. DEF is authorized to represent that OPC, PCS Phosphate, FRF, and FIPUG support the motion to approve the Stipulation.

WHEREFORE, DEF respectfully requests that the Commission approve the Stipulation attached hereto and approve the Second RRSSA Amendment.

Respectfully submitted this 9th day of March, 2016.

/s/ Dianne M. Triplett  
DIANNE M. TRIPLETT  
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DUKE ENERGY FLORIDA, LLC  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to the following this 9th day of March, 2016.

/s/ Dianne M. Triplett  
Attorney

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Florida Industrial Power Users Group c/o Moyle Law Firm, P.A. Jon C. Moyle, Jr. Karen A. Putnal 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>	PSC Phosphate – White Springs c/o James W. Brew Owen J. Kopon Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 20007-5201 <a href="mailto:jbrew@smxblaw.com">jbrew@smxblaw.com</a> <a href="mailto:ojk@smxblaw.com">ojk@smxblaw.com</a>
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**Stipulation of Parties to Amend RRSSA  
(Second RRSSA Amendment)  
Attachment to Motion  
Dockets 150148 and 150171**

**Attachment to Motion – Stipulation to Amend RRSSA**

1. The signatories to the RRSSA agree to and approve the Second RRSSA Amendment, attached to this Stipulation as Exhibit 1. The signatories agree that the Second RRSSA Amendment contains changes to clarify the recovery of certain CR3 EPU related charges. The signatories, by executing this Stipulation, agree that paragraph 22 of the RRSSA, which requires that “no provision may be changed or altered without the consent of each signatory Party in a written document duly executed by all Parties to this Revised and Restated Settlement Agreement” is fully satisfied.
2. Except as set forth in the Second RRSSA Amendment attached as Exhibit 1 to this Stipulation, the Parties do not intend to affect the intent, or the provisions, of the RRSSA.
3. This Stipulation may be executed in counterpart originals, and a facsimile or PDF email of any original signature shall be deemed an original.

In Witness Whereof, the signatories to the RRSSA evidence their acceptance and agreement with the provisions of this Stipulation and the Second RRSSA Amendment by their signatures below.

Stipulation of Parties to Amend RRSSA  
(Second RRSSA Amendment)  
Attachment to Motion  
Dockets 150148 and 150171

**Duke Energy Florida, LLC**

By: 

Dianne M. Triplett  
P.O. Box 14042  
St. Petersburg, FL 33733

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(Second RRSSA Amendment)  
Attachment to Motion  
Dockets 150148 and 150171

Office of Public Counsel

By:   
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J. R. Kelly, Esq.  
Charles Rehwinkel, Esq.  
111 W. Madison St., Room 812  
Tallahassee, FL 32399

Stipulation of Parties to Amend RRSSA  
(Second RRSSA Amendment)  
Attachment to Motion  
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Florida Industrial Power Users Group

By: \_\_\_\_\_

Jon C. Moyle, Esq.  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301

*March 3, 2016*

Stipulation of Parties to Amend RRSSA  
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Attachment to Motion  
Dockets 150148 and 150171

White Springs Agricultural Chemicals, Inc.

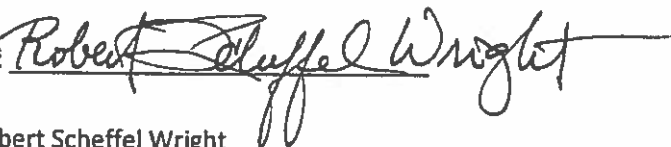
By: 

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



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**Florida Retail Federation**

By: 

Robert Scheffel Wright

John T. LaVia III

Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A.

1300 Thomaswood Drive

Tallahassee, FL 32308

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Attachment to Motion  
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**Exhibit 1 to Stipulation**

**Second RRSSA Amendment**

The fourth sentence of paragraph 9(a) is amended to read: "Intervenor Parties agree that CR3 EPU assets that were placed in-service and closed to electric plant in-service FERC 101, which amount equals \$35,894,547 as of December 31, 2015 and includes carrying charges through December 31, 2015, shall not be included in, or recovered or further trued up as part of, the CR3 Regulatory Asset but instead shall be recovered in an amount estimated to be \$38,108,444 as of December 31, 2016 (subject to true up), through the CCR Clause over the years 2017 and 2018 at a carrying cost rate of 3 percent, and CR3 EPU Assets never closed to electric plant in-service FERC 101 shall be recovered as a part of the CR3 EPU Regulatory Asset through the NCRC or other appropriate docket(s)."