

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition, by the City of Leesburg
And Duke Energy Florida, LLC, for Modification
to the Territorial Agreement

Docket No. _____

Filed: _____

Joint Petition for Approval of Modification to the Territorial Agreement

Between the City of Leesburg and Duke Energy Florida, LLC

The City of Leesburg (“Leesburg”) and Duke Energy Florida, LLC (“DEF”) (collectively, the “Joint Petitioners” or “Parties”) pursuant to Section 366.04(2)(d), F.S., and Rules 25-6.0440, and 28-106.201, F.A.C., jointly petition the Florida Public Service Commission (“the Commission”) for approval of a Modification to their Territorial Agreement in Lake and Sumter Counties. In support, the Joint Petitioners state:

1. DEF is a public utility subject to the Commission’s jurisdiction under Chapter 366, Florida Statutes. Any pleadings or notices should be served upon its undersigned counsel.
2. Leesburg is a municipality organized pursuant to the laws of Florida, which is subject to the jurisdiction of the Commission with respect to the subject-matter of this Joint Petition. *See* § 366.04, F.S. Any pleadings or notices should be served upon its undersigned counsel.
3. Leesburg and DEF are parties to a currently effective territorial agreement delineating their respective service territories in Lake and Sumter Counties (the “Current Agreement”), which has been approved by the Commission in Order No. PSC-15-0313-CO-EU, issued August 4, 2015, in Docket No. 150077-EU; and

4. On August 28, 2020, the Joint Petitioners entered into an amendment to the Current Agreement in an effort to more accurately define portions of the Parties' respective service areas which are contiguous in many places. The Current Agreement expressly provides that the effectiveness of any amendment thereto is contingent upon the subsequent approval of the Commission. Attached hereto as Exhibit A is a copy of the amended service areas.
5. This Amendment to the Current Agreement will become effective and enforceable only upon the issuance of an Order by the Commission approving the Amendment to the Current Agreement in its entirety.
6. Except as modified as shown in Exhibit A, the terms and conditions of the Current Agreement remain unchanged and in full force and effect, and there are no known disputes issues of material fact related to this petition.¹
7. The Joint Petitioners believe, and therefore represent to the Commission, that the proposed Amendment, and the Current Agreement as amended, is in the public interest as it will eliminate the uneconomic duplication of services and will not cause a decrease in reliability of electrical service to existing or future customers of either Party.

WHEREFORE, the Joint Petitioners respectfully ask the Commission to approve the proposed amendment to the Current Agreement.

¹ Rule 28-106.201(2)(c) & (f), F.A.C., are inapplicable to this petition.

CITY OF LEESBURG

DUKE ENERGY FLORIDA, LLC

/s/ Fred A. Morrison

FRED A. MORRISON, of
McLin Burnsed P.A.
Post Office Box 491357
Leesburg, Florida 34749 - 1357
(352) 787 - 1241
FAX (352) 326 - 2608
E - Mail: FredM@mclinburnsed.com
E – Mail: JenniferM@mclinburnsed.com
Fla. Bar No. 284823
Attorneys for City of Leesburg

/s/ Matthew R. Bernier

DIANNE M. TRIPLETT
Deputy General Counsel
Duke Energy Florida, LLC
299 First Avenue North
St. Petersburg, FL 33701
T: 727. 820.4692
F: 727.820.5041
E: Dianne.Triplett@Duke-Energy.com

MATTHEW R. BERNIER
Associate General Counsel
Duke Energy Florida, LLC
106 E. College Avenue, Suite 800
Tallahassee, FL 32301
T: 850.521.1428
F: 727.820.5041
E: Matthew.Bernier@Duke-Energy.com

EXHIBIT A

AMENDMENT TO THE TERRITORIAL AGREEMENT

BETWEEN

THE CITY OF LEESBURG

AND

DUKE ENERGY FLORIDA, LLC

IN

LAKE AND SUMTER COUNTIES

**FIRST AMENDMENT TO THE TERRITORIAL AGREEMENT
BETWEEN
THE CITY OF LEESBURG AND
DUKE ENERGY FLORIDA, LLC**

THIS FIRST AMENDMENT TO THE TERRITORIAL AGREEMENT ("First Amendment"), by and between the City of Leesburg and Duke Energy Florida, LLC. (DEF) (collectively, "Parties," or individually a "Party"), is subject to the approval of the Florida Public Service Commission (the "Commission").

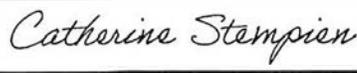
WHEREAS, Leesburg and Duke Energy Florida, LLC are Parties to an existing territorial agreement ("Agreement") delineating their respective service territories in Lake and Sumter Counties which was approved by the Commission in Order No. PSC-15-0313-CO-EU, issued August 4, 2015 in Docket No. 150077-EU.

WHEREAS, the Parties desire, pursuant to Article III, Transfer of Customers and Facilities, and specifically, pursuant to Section 3.1 In General, to modify the territorial boundaries in Lake and Sumter counties.

NOW THEREFORE, the Parties agree as follows:

1. The territorial boundary modification as set forth in the Attachment 1, based on sound economic considerations and good engineering practices would be better served if reallocated to the service territory of the other Party.
2. There are no customers to be transferred within the reallocated areas.
3. The map pages in Attachment 1 shall replace map page 15 in Sumter County and map page 23 in Lake County in the existing Agreement.
4. Upon approval the Commission, this First Amendment to the Territorial Agreement, shall be amended herein and otherwise in full effect until July 29, 2045 and shall remain in effect until and unless either Party provides written notice of termination.

IN WITNESS WHEREOF, each Party hereto has executed this First Amendment by their duly authorized representative on this 28th of August, 2020.

THE CITY OF LEESBURG	DUKE ENERGY FLORIDA, LLC.
	
<p>Elise Dennison Mayor of the City of Leesburg</p> <p>ATTEST:</p>  <p>City Clerk</p>	<p>Catherine Stempien State President Duke Energy Florida, LLC</p> <p>ATTEST:</p> <p><i>/s/ Matthew R. Bernier</i></p> <hr/> <p>Matthew R. Bernier Associate General Counsel Attorney for Duke Energy Florida, LLC</p>

ATTACHMENT 1

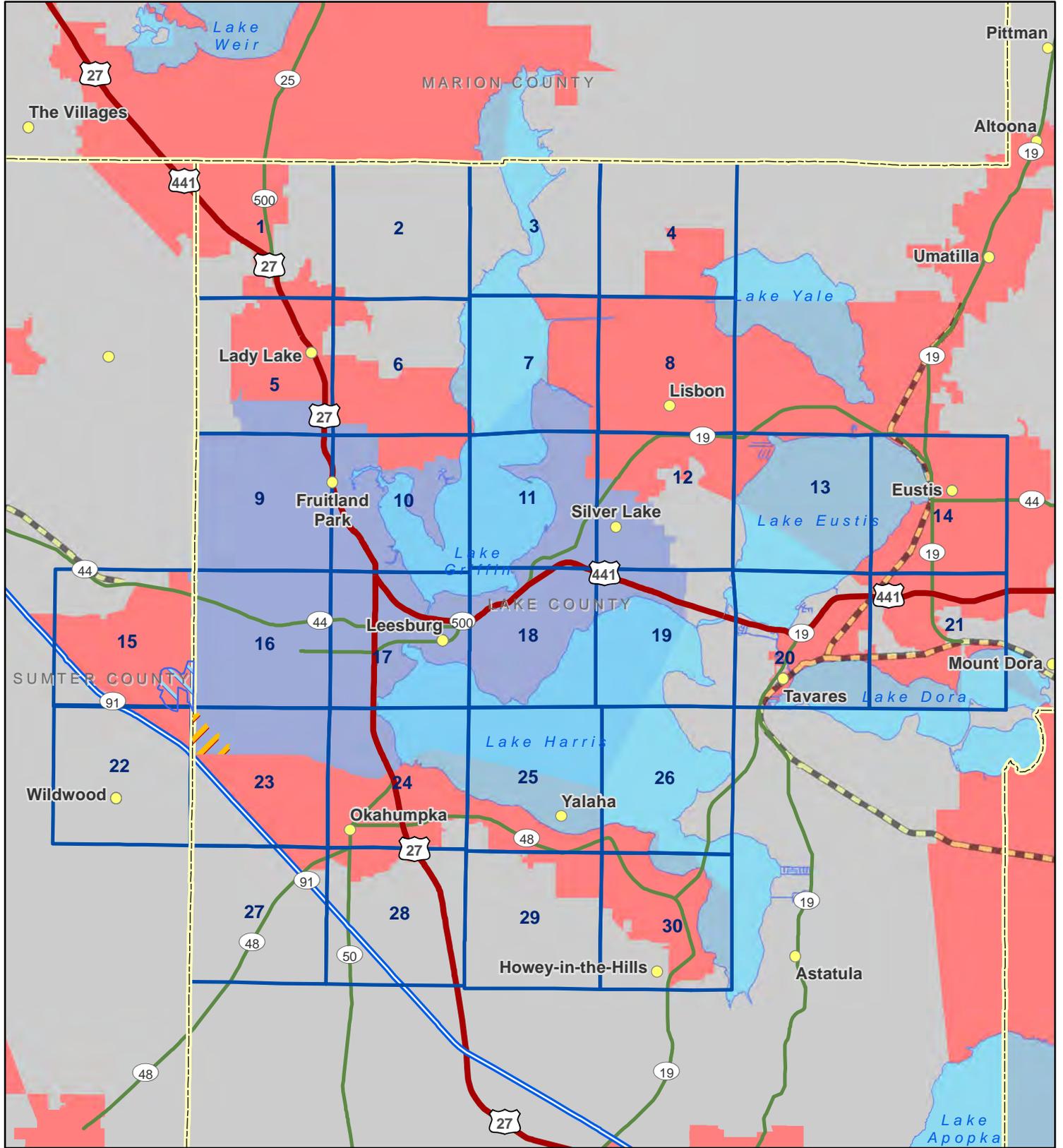
REVISED BOUNDARY MAPS*

IN

SUMTER AND LAKE COUNTIES

*Demonstrates redrawn area map pages and final map pages versions

DUKE ENERGY - CITY OF LEESBURG TERRITORIAL AGREEMENT - AMENDMENT LAKE AND SUMTER COUNTIES PAGE INDEX



- Service Territory**
- Not Part of This Agreement
 - City of Leesburg
 - Duke Energy Florida

- Proposed Revisions**
- Redraw to City of Leesburg
 - Redraw to Duke

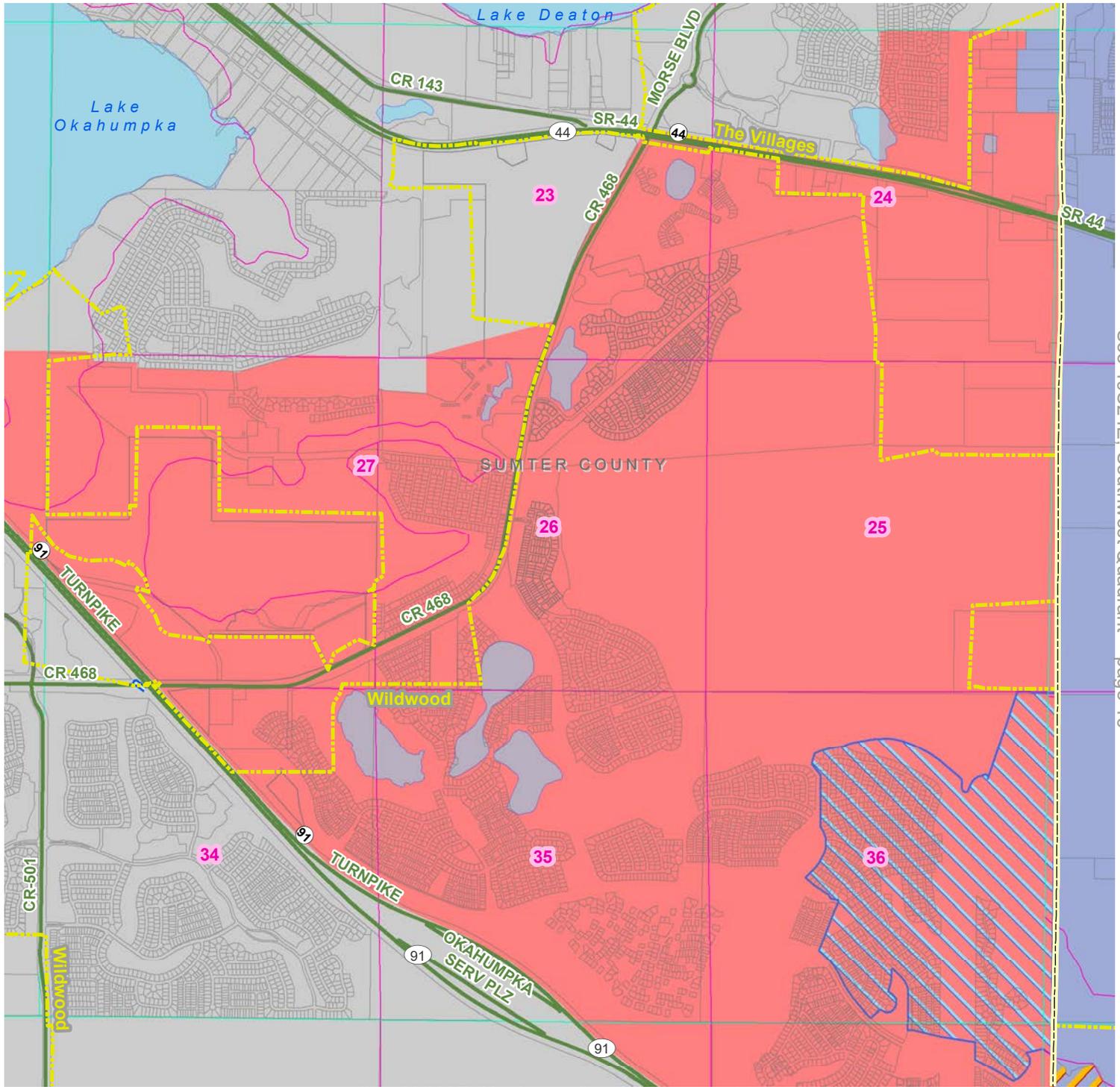
- Limited Access
- Highway
- Major Road
- Major Railroad Line

- Water
- Section
- Parcel

- County
- City/Place Boundary
- City and Place Names
- Page



DUKE ENERGY - CITY OF LEESBURG TERRITORIAL AGREEMENT - AMENDMENT SUMTER COUNTY

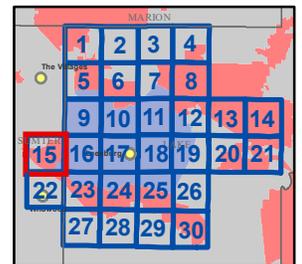


See 19S24E, Southwest Quadrant -- page 16

See 20S23E, Northwest Quadrant -- page 22

- | | | | | |
|----------------------------|----------------------------|---------------------|--------------------|----------------------|
| Service Territory | Proposed Revisions | Limited Access | Water | County |
| Not Part of This Agreement | Redraw to City of Leesburg | Highway | Township and Range | City/Place Boundary |
| City of Leesburg | Redraw to Duke | Major Road | Section | City and Place Names |
| Duke Energy Florida | | Major Railroad Line | Parcel | |

Quadrant: Southeast
Township: 19S
Range: 23E
County: SUMTER COUNTY, FL

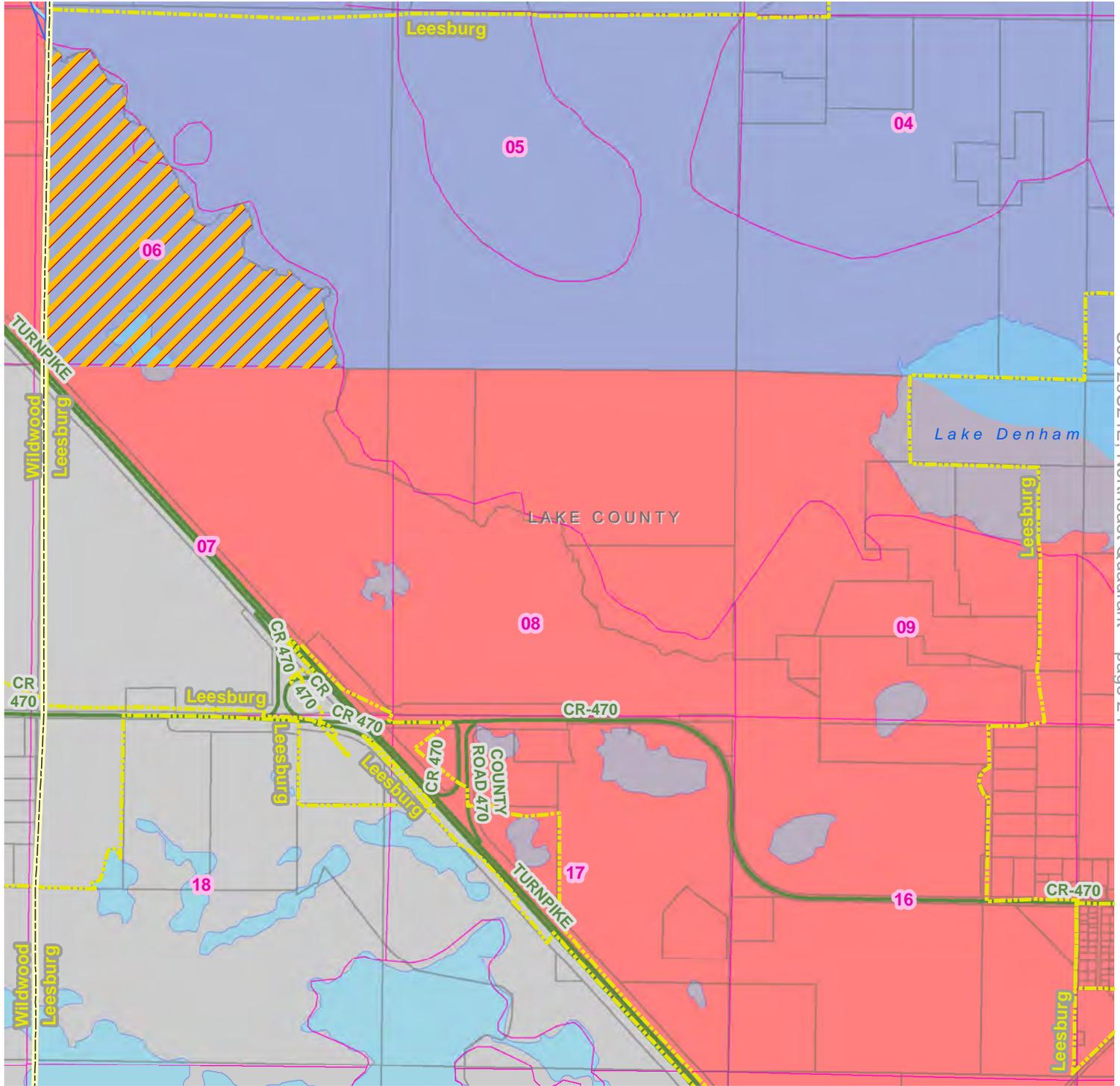


DUKE ENERGY - CITY OF LEESBURG TERRITORIAL AGREEMENT - AMENDMENT LAKE COUNTY

See 19S24E, Southwest Quadrant -- page 16

See 20S23E, Northwest Quadrant -- page 22

See 20S24E, Northeast Quadrant -- page 24



See 20S24E, Southwest Quadrant -- page 27

Service Territory

- Not Part of This Agreement
- City of Leesburg
- Duke Energy Florida

Proposed Revisions

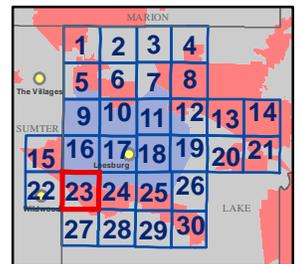
- Redraw to City of Leesburg
- Redraw to Duke

- Limited Access
- Highway
- Major Road
- Major Railroad Line

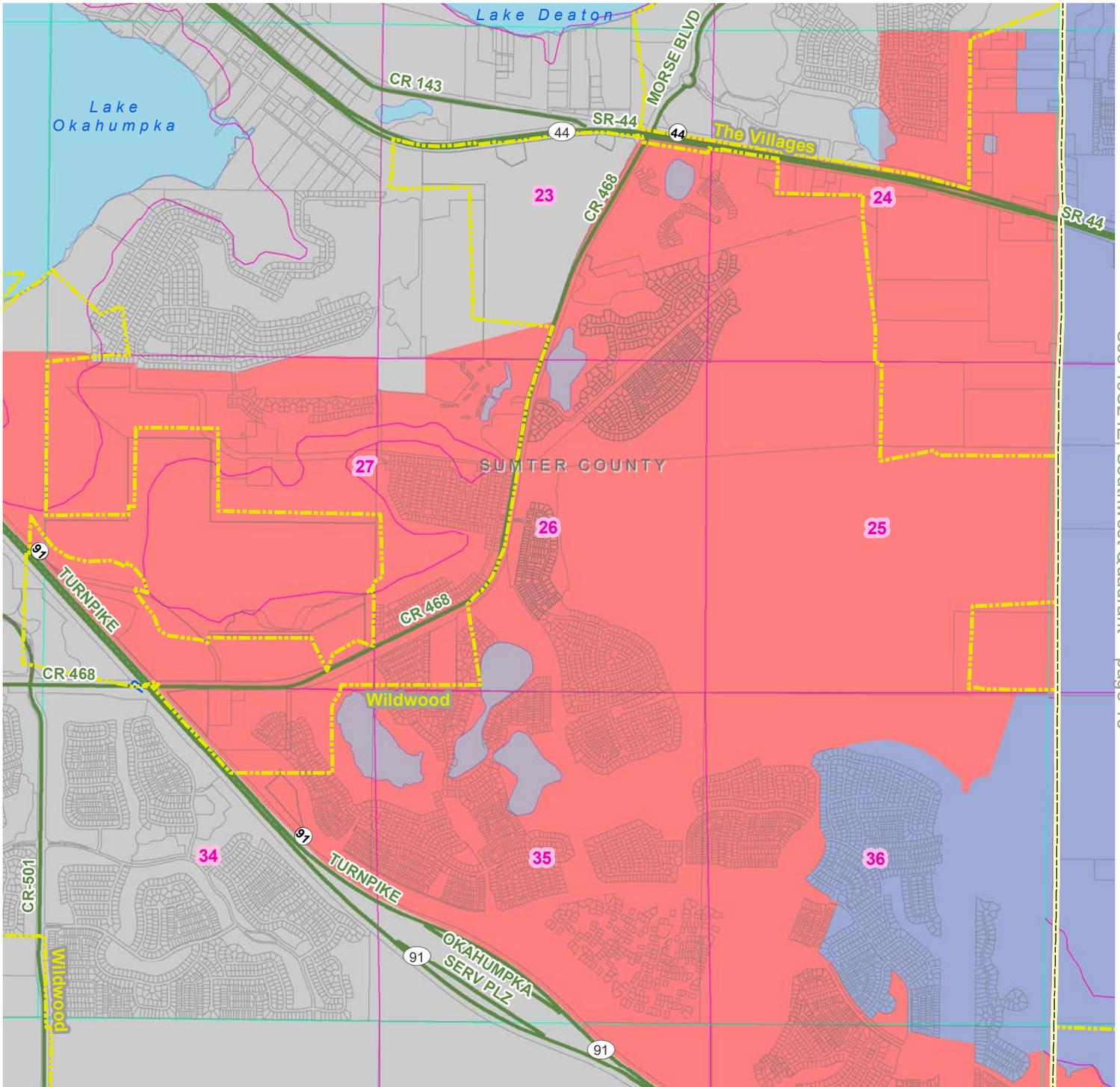
- Water
- Township and Range
- Section
- Parcel

- County
- City/Place Boundary
- City and Place Names

Quadrant: Northwest
Township: 20S
Range: 24E
County: LAKE COUNTY, FL



DUKE ENERGY - CITY OF LEESBURG TERRITORIAL AGREEMENT - AMENDMENT SUMTER COUNTY

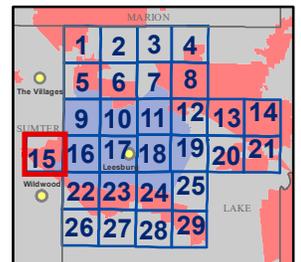


See 19S24E, Southwest Quadrant -- page 16

See 20S23E, Northwest Quadrant -- page 22

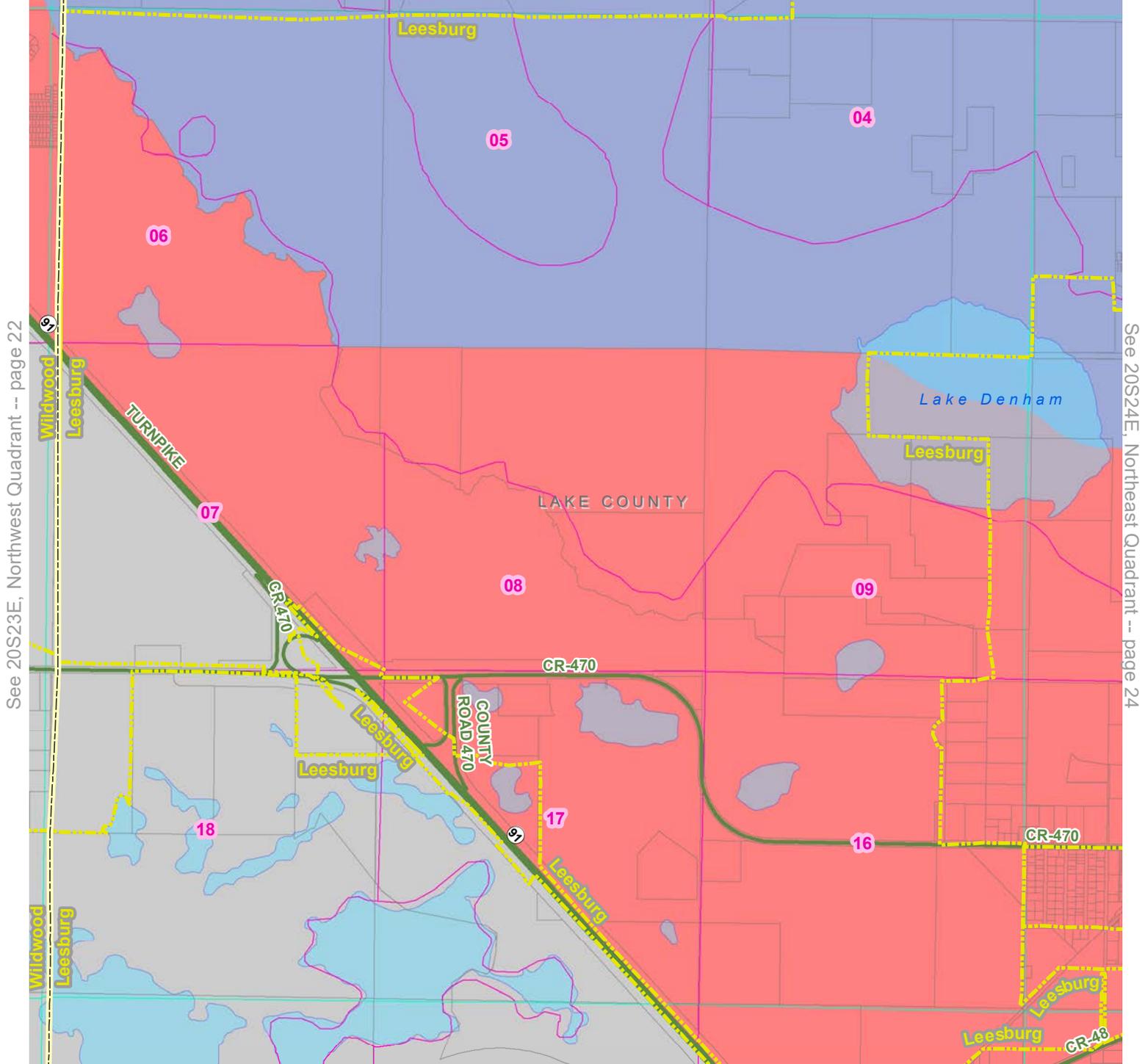
- | | | | |
|----------------------------|---------------------|--------------------|----------------------|
| Service Territory | Limited Access | Water | County |
| Not Part of This Agreement | Highway | Township and Range | City/Place Boundary |
| City of Leesburg | Major Road | Section | City and Place Names |
| Duke Energy Florida | Major Railroad Line | Parcel | |

Quadrant: Southeast
Township: 19S
Range: 23E
County: SUMTER COUNTY, FL



DUKE ENERGY - CITY OF LEESBURG TERRITORIAL AGREEMENT - AMENDMENT LAKE COUNTY

See 19S24E, Southwest Quadrant -- page 16



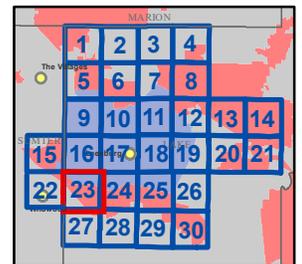
See 20S23E, Northwest Quadrant -- page 22

See 20S24E, Northeast Quadrant -- page 24

See 20S24E, Southwest Quadrant -- page 27

- | | | | |
|----------------------------|---------------------|--------------------|----------------------|
| Service Territory | Limited Access | Water | County |
| Not Part of This Agreement | Highway | Township and Range | City/Place Boundary |
| City of Leesburg | Major Road | Section | City and Place Names |
| Duke Energy Florida | Major Railroad Line | Parcel | |

Quadrant: Southeast
Township: 20S
Range: 24E
County: LAKE COUNTY, FL



RESOLUTION NO. 10,703

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MODIFICATION TO THE TERRITORIAL AGREEMENT BETWEEN THE CITY OF LEESBURG AND DUKE ENERGY FLORIDA, LLC; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute a Modification to the Territorial Agreement with Duke Energy Florida, LLC, whose address is 299 First Avenue North, St. Petersburg, Florida 33701.

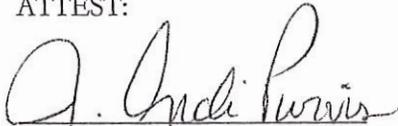
THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24th day of August 2020.



Elise A. Dennison, Mayor

ATTEST:



City Clerk