



Matthew R. Bernier  
ASSOCIATE GENERAL COUNSEL

January 19, 2021

**VIA ELECTRONIC FILING**

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

Re: *Joint Petition of Sumter Electric Cooperative, Inc. and Duke Energy Florida, LLC, for Approval of a Modification to the Territorial Agreement in Sumter, Lake, Marion, Levy and Citrus Counties*; Undocketed \_\_\_\_\_

Dear Mr. Teitzman:

Enclosed for filing is the Joint Petition of Sumter Electric Cooperative, Inc. and Duke Energy Florida, LLC, for Approval of a Modification to the Territorial Agreement in Sumter, Lake, Marion, Levy and Citrus Counties, with supporting Exhibit A and Attachment 1.

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.

Sincerely,

*/s/ Matt Bernier*

Matthew Bernier  
Associate General Counsel

MRB/cmw

Enclosure

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Joint Petition by Sumter Electric Cooperative,  
Inc. and Duke Energy Florida, LLC, for Modification  
to the Territorial Agreement in Lake County

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

Filed: January 19, 2021

**Joint Petition for Approval of Modification to the Territorial Agreement  
Between Sumter Electric Cooperative, Inc. and Duke Energy Florida, LLC**

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

1. SECO and DEF are parties to a currently effective territorial agreement delineating their respective service territories in Sumter, Lake, Marion, Levy and Citrus Counties (the “Current Agreement”), approved by the Commission in Order No. PSC-2020-0279-CO-EU, issued August 17, 2020, in Docket No. 20200106-EU; and
2. On January 13, 2021, the Joint Petitioners entered into an amendment (“First Amendment”) to the Current Agreement, attached hereto as Exhibit A, in an effort to re-define a specific area of the Parties' respective service area in Lake County. The Current Agreement expressly provides that the effectiveness of any amendment thereto is contingent upon the subsequent approval of the Commission.
3. This First Amendment to the Current Agreement will become effective and enforceable only upon the issuance of an Order by the Commission approving the

First Amendment to the Current Agreement in its entirety.

4. 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 disputed issues of material fact related to this Petition.<sup>1</sup>
5. The Joint Petitioners believe, and therefore represent to the Commission, that the proposed First Amendment, and the Current Agreement as amended, is in the public interest as it will eliminate the uneconomic duplication of services, will eliminate potential undue hardship on the existing customers subject to transfer, 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 First Amendment to the Current Agreement.

SUMTER ELECTRIC COOPERATIVE, INC.

*/s/ Floyd R. Self*

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**FLOYD R. SELF**

Floyd R. Self, B.C.S.  
Berger Singerman, LLP  
313 North Monroe Street  
Suite 301  
Tallahassee, Florida 32301  
T: 850-521-6727  
F: 850-561-3013  
Email: [fself@bergersingerman.com](mailto:fself@bergersingerman.com)

Scott A. Gerken, Esq.  
Stone & Gerken, P.A.

DUKE ENERGY FLORIDA, LLC

*/s/ Matthew R. Bernier*

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**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  
Email: [Matthew.Bernier@Duke-Energy.com](mailto:Matthew.Bernier@Duke-Energy.com)  
[FLRegulatoryLegal@Duke-Energy.com](mailto:FLRegulatoryLegal@Duke-Energy.com)

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

4850 N. Highway 19A  
Mount Dora, FL 32757  
Telephone: (352) 357-0330  
Email: scott@stoneandgerken.com

Attorneys for Sumter Electric Cooperative, Inc.

# **EXHIBIT A**

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## **FIRST AMENDMENT TO THE TERRITORIAL AGREEMENT**

**BETWEEN**

**SUMTER ELECTRIC COOPERATIVE, INC.**

**AND**

**DUKE ENERGY FLORIDA, LLC**

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**FIRST AMENDMENT TO THE TERRITORIAL AGREEMENT  
BETWEEN  
SUMTER ELECTRIC COOPERATIVE, INC. AND  
DUKE ENERGY FLORIDA, LLC**

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**THIS FIRST AMENDMENT TO THE TERRITORIAL AGREEMENT** ("First Amendment"), by and between Sumter Electric Cooperative, Inc. (SECO) 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**, SECO and DEF are Parties to an existing territorial agreement ("Current Agreement") delineating their respective service territories in Sumter, Lake, Marion, Levy, and Citrus Counties approved by the Commission in Order No. PSC- 2020-0279-CO-EU, issued August 17, 2020, in Docket No. 20200106-EU.

**WHEREAS**, the Parties desire, pursuant to Article II, Retail Electric Service, and specifically, pursuant to Section 2.5 Reallocation of Areas, to modify the territorial boundaries in Lake county.




**NOW THEREFORE**, the Parties agree as follows:

1. The territorial boundary modification is set forth in Attachment 1.
2. In the Current Agreement, there are 379 customers (339 residential and 40 commercial) located in an area known as the Quarters Apartments that are currently served by DEF and subject to transfer to SECO.
3. There is another planned development, known as the Lady Lakes Square Apartment Complex, which is in close proximity to the Quarters apartments, within DEF territory. This planned developed is similar in acreage and customer accounts (approximately 288 accounts expected).
4. In this boundary modification, the Quarters Apartments would be redrawn into the service territory of DEF and the Lady Lakes Square Apartment Complex would be redrawn into the service territory of SECO.
5. The Parties agree, based on sound economic considerations, this boundary modification will eliminate the uneconomic duplication of facilities required for SECO to acquire the customers in the Quarters Apartments, and will not cause a

decrease in reliability of electrical service to existing or future customers of either Party. Additionally, the redraw of these service territories will eliminate potential undue hardship on the existing customers otherwise currently subject to transfer from DEF to SECO, by ending their need to be transferred.

6. The map page in Attachment 1 shall replace Lake County map page 27 (Agreement page 102 of 533).
7. Upon approval the Commission, this First Amendment to the Territorial Agreement, shall be amended herein and otherwise in full effect coterminous with the term of the Current Agreement, 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 13<sup>th</sup> day of January, 2021.

SUMTER ELECTRIC COOPERATIVE, INC.	DUKE ENERGY FLORIDA, LLC.
	
<p>James P. Duncan Chief Executive Officer</p>	<p>Catherine Stempien State President Duke Energy Florida, LLC</p>
<p>ATTEST:</p> 	<p>ATTEST:</p> <p>/s/ Matthew R. Bernier</p>
<p>Senior Executive Assistant</p>	<p>Matthew R. Bernier Associate General Counsel Attorney for Duke Energy Florida, LLC</p>

**ATTACHMENT 1**

**REVISED BOUNDARY MAPS**

**IN**

**LAKE COUNTY**

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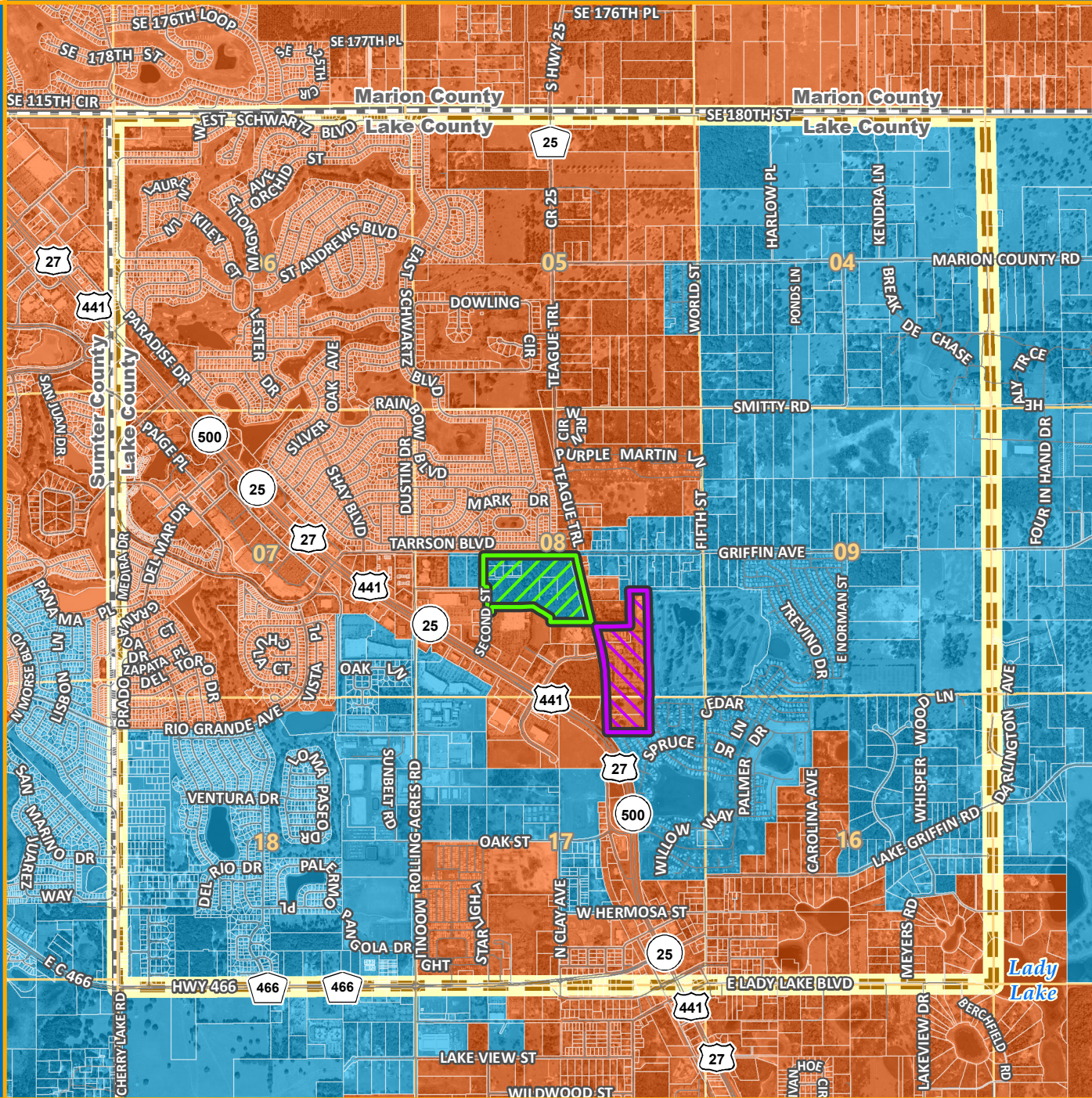





















**ATTACHMENT 1:**

**FIRST AMENDMENT PROPOSED  
REDRAWS PAGE 27:**

**LAKE COUNTY, FL  
NW QUARTER  
TOWNSHIP = 18  
RANGE = 24**

**Map Legend:**

- Agreed Redraws**
-  Duke to SECO
-  SECO to Duke
- Utility Service Territory**
-  SECO Energy
-  Duke Energy
-  Not Part of this Agreement
-  Quarter Grid Boundary
-  Section Boundary
-  Parcel
-  County Limits



Miles



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