

145 FERC ¶ 61,264
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

(December 23, 2013)

In Reply Refer To:
Duke Energy Florida, Inc.
Duke Energy Progress, Inc.
Docket Nos. ER14-216-000
ER14-217-000

Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Attention: Ms. Jennifer L. Key
Attorney for Duke Energy Florida, Inc. and Duke Energy Progress, Inc.

Dear Ms. Key:

1. On October 29, 2013, you filed on behalf of Duke Energy Florida, Inc. (Duke Energy Florida) and Duke Energy Progress, Inc. (Duke Energy Progress) (collectively, Duke Energy) amendments to various rate schedules¹ to reflect the notices of succession that were approved by the Commission in Docket Nos. ER13-1358-000 and ER13-1357-000.² You state that the amended rate schedules are filed pursuant to the Commission's June 25 Order, in which the Commission granted Duke Energy's requests for waiver of

¹ See Appendix A.

² *Duke Energy Progress, Inc.*, 143 FERC ¶ 61,270 (2013) (June 25 Order). The notices of succession were the result of the merger of Duke Energy Corporation into Progress Energy, Inc., which closed July 2, 2012. *Id.*; see also *Duke Energy Corp. and Progress Energy, Inc.*, 136 FERC ¶ 61,245, *order on compliance*, 137 FERC ¶ 61,210 (2011), *order on further compliance* 139 FERC ¶ 61,194 (2012) (conditionally approving the merger).

the notice of succession requirements in section 35.16³ of the Commission's regulations until October 29, 2013.

2. You also filed notices of cancellation for a number of Duke Energy Florida and Duke Energy Progress rate schedules.⁴ You state that it is no longer necessary for them to remain in effect because these schedules have expired by their own terms or fallen into disuse.

3. In the filings, Duke Energy Florida and Duke Energy Progress request further waiver of the Commission's notice of succession requirements, which require updates to the utility names reflected on Duke Energy Florida's and Duke Energy Progress' existing tariffs, rate schedules, and service agreements on file with the Commission within 30 days of the name changes.⁵ First, with regard to Duke Energy Florida's interchange agreement with Southern Company Services, Inc., Rate Schedule No. 111, which dates to 1988, Duke Energy Florida states that it determined that it would be more appropriate to replace the agreement in its entirety. Duke Energy Florida states that, although the parties are working diligently toward a replacement agreement, their efforts are not yet complete. Duke Energy Florida requests an extension until the end of the first quarter of 2014 to file this amended agreement. Second, Duke Energy Florida requests an extension until March 31, 2014 to file an amended Rate Schedule No. 150, the Intercession City Siemens Unit Transmission Service Agreement between Duke Energy Florida and Georgia Power Company, because Duke Energy Florida determined that the necessary changes to the agreement go beyond "the mere ministerial act of changing the name."⁶ Lastly, Duke Energy Progress requests additional time to file a replacement to its interconnection agreement with Allegheny Power Company (APCo), Rate Schedule No. 44, which dates to 1957. Duke Energy Progress explains that APCo has requested to replace the agreement in its entirety and that Duke Energy Progress agreed because APCo is now a member of PJM Interconnection, L.L.C. Duke Energy Progress states that, although the parties are working diligently toward a replacement agreement, their efforts are not yet complete. Duke Energy Progress requests an extension until December 31, 2013 to file this amended agreement.

³ Section 35.16 requires that "[w]henver the name of a public utility is changed, . . . the exact name of the public utility . . . that will operate the property thereafter shall be filed within 30 days thereafter with the Commission with a tariff consistent with the electronic filing requirements[.]" 18 C.F.R. § 35.16 (2013).

⁴ See Appendix B.

⁵ 18 C.F.R. § 35.16 (2013).

⁶ Duke Energy Florida October 29, 2013 Application, Docket No. ER14-216-000 at 4.

4. Notices of the filings in Docket Nos. ER14-216-000 and ER14-217-000 were published in the *Federal Register*, 78 Fed. Reg. 67,136 (2013), with interventions and protests due on or before November 19, 2013. None were filed.

5. We accept Duke Energy Florida's and Duke Energy Progress' filings, to become effective December 28, 2013, as requested. We also grant the requests for waiver of the Commission's notice of succession requirements pursuant to section 35.16 of the Commission's regulations until March 31, 2014 for Duke Energy Florida Rate Schedule Nos. 111 and 150 and until December 31, 2013 for Duke Energy Progress Rate Schedule No. 44, as requested. We find that Duke Energy Florida and Duke Energy Progress have shown good cause for these requests. We note that no party intervened to oppose the requests or to challenge Duke Energy Florida's and Duke Energy Progress' assertions.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix A: Amended Rate Schedules

Duke Energy Florida, Inc., Tariffs, Rate Schedules and Service Agreements

Rate Schedule No.	Name of Rate Schedule
123	<u>Florida – Southern Transmission Interface Allocation Agreement</u>
131	<u>Amended Columbia-Suwannee 115 kV IA between Florida Power & Light and Duke Energy Florida</u>
146	<u>QF Contract between Orlando Cogeneration and Duke Energy Florida</u>
188	<u>Southwest Landfill Parallel Operating Agreement</u>
221	<u>Florida – Southern Transmission Export Allocation Agreement</u>

Duke Energy Progress, Inc., Tariffs, Rate Schedules and Service Agreements

Rate Schedule No.	Name of Rate Schedule
46	<u>Interchange Agreement Duke Energy Progress and Alcoa</u>
95	<u>Interchange Agreement between Duke Energy Progress and Tennessee Valley Authority</u>
97	<u>Interchange Agreement between Duke Energy Progress and South Carolina Electric & Gas Company</u>
104	<u>Interchange Agreement with South Carolina Public Service Authority</u>
126	<u>Contract between Southeastern Power Administration and Duke Energy Progress (Cumberland)</u>
127	<u>Contract between Southeastern Power Administration and Duke Energy Progress (Kerr Lake)</u>

Appendix B: Cancelled Rate Schedules

Duke Energy Florida, Inc., Tariffs, Rate Schedules and Service Agreements

Rate Schedule No.	Name of Rate Schedule
109	Agreement for Interconnection and Transmission of Electric Energy (with Florida Crushed Stone)
112	Contract for Purchases of Economic Energy between Florida Power Corporation and Entergy Services, Inc.
114	All Requirements Electric Service Agreement between Florida Power Corporation and City of Bartow, Florida
121	All Requirements Electric Service Agreement between Florida Power Corporation and City of Saint Cloud, Florida
125	All Requirements Electric Service Agreement between Duke Energy Florida and City of Alachua, Florida
132	Construction Agreement between Florida Power Corporation and the City of St. Cloud
135	Facilities Agreement between Orlando Utilities Commission and Florida Power Corporation
136	Letter of Commitment to Establish Additional Interconnection Facilities (with City of Tallahassee)
137	Construction Agreement between Florida Power Corporation and Seminole Electric Cooperative, Inc.
138	Operation and Maintenance Agreement between Florida Power Corporation and Seminole Electric Cooperative, Inc.
145	Power Purchase Agreement between Florida Power Corporation and Georgia Power Company
147	Contribution in Aid of Construction (with City of Leesburg, Florida)
149	Commitment for Florida Power Corporation to provide Oglethorpe Power Company Short-Term Peaking Power Agreement
152	Agreement to Sell Distribution Facilities and Borderline Agreement (with Talquin Electric)
184	Construction Agreement (with Kissimmee Utility Authority)
206	Agreement for Sale and Purchase of Capacity of Energy and Capacity between Florida Power Corporation and Utilities Commission, City of New Smyrna Beach, Florida

Duke Energy Progress, Inc., Tariffs, Rate Schedules and Service Agreements

Rate Schedule No.	Name of Rate Schedule
132	Service Agreement with Wisconsin Power & Light Company (WPL, now Alliant)
133	Agreement between Ohio Edison Company and Carolina Power & Light Company for Power Transactions