

169 FERC ¶ 61,010
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

October 3, 2019

In Reply Refer To:
Duke Energy Florida, LLC
Docket No. ER19-125-001

Duke Energy Corporation
550 S. Tryon Street (DEC 45A)
Charlotte, NC 28202

Attention: Ann Warren, Esq.
Attorney for Duke Energy Florida, LLC

Dear Ms. Warren:

1. On July 8, 2019, in the above-referenced proceeding, you filed an Offer of Settlement (Settlement) on behalf of Duke Energy Florida, LLC (DEF) and U.S. EcoGen Polk, LLC (EcoGen). On July 29, 2019, Commission Trial Staff filed comments supporting the Settlement. No other comments were filed. On August 21, 2019, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.¹
2. The Settlement addresses issues concerning the Large Generator Interconnection Agreement between DEF and EcoGen (LGIA).
3. Section 5.1 of the Settlement provides that:

It is the intent of the Settling Parties that, to the maximum extent permitted by law, the provisions of this Settlement Agreement shall not be subject to change absent the written agreement of the Parties, and that the standard of review for changes unilaterally proposed by a Party shall be the public interest standard of review set forth in *United Gas Pipe Line*

¹ *Duke Energy Florida, LLC*, 168 FERC ¶ 63,027 (2019). An erratum was issued on August 23, 2019.

Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956), *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956), as clarified in *Morgan Stanley Capital Group, Inc. v. Public Utility District No. 1 of Snohomish County, Washington*, 554 U.S. 527 (2008) and *NRG Power Marketing, LLC v. Maine Public Utilities Commission*, 558 U.S. 165, 174-75 (2010). The statutory “just and reasonable” standard of review applies to future changes to this Settlement Agreement sought by the Commission acting *sua sponte* or at the request of a non-settling third party.

4. The Settlement resolves all issues set for hearing in this proceeding. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission’s approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

5. We note that Section 2.1.1 of the Settlement states that DEF will submit a compliance filing to the Commission containing the live eTariff Record of the revised LGIA within ten (10) business days after the Settlement Effective Date, as such term is defined in the Settlement, and will request an effective date of one (1) day after the Settlement Effective Date.

6. This order terminates Docket Nos. ER19-125-000, ER19-125-001 and EL19-23-000.

By direction of the Commission.

Kimberly D. Bose,
Secretary.