

**MEMORANDUM OF UNDERSTANDING BETWEEN DUKE ENERGY FLORIDA,
("DEF") AND PINELLAS COUNTY ("PINELLAS") FOR THE PURCHASE OF AS-
AVAILABLE ENERGY WITH A QUALIFYING FACILITY**

WHEREAS, Pinellas owns a 75 MW Gross Waste-to-Energy Facility certified as a Qualifying Facility ("QF") pursuant to the Public Utilities Regulatory Policy Act of 1978 and the applicable rules and regulations of the Federal Energy Regulatory Commission; and,

WHEREAS, the purpose of this Memorandum of Understanding is to clarify the parties understanding and the application and effect of certain provisions of the "AGREEMENT FOR THE PURCHASE OF AS-AVAILABLE ENERGY AND/OR PARALLEL OPERATIONS FROM A QUALIFYING FACILITY" between the parties (hereinafter "DEF/Pinellas Agreement") which is attached hereto as "Exhibit "A"

NOW THEREFORE, the parties agree as set forth below:

1. The above-stated recitals are hereby incorporated into the terms of this Memorandum of Understanding ("MOU") as if fully set forth herein.
2. Article X, Insurance – The QF is permitted to provide evidence of self-insurance to satisfy the requirements in this provision.
3. Article XIII, Indemnification - This indemnification shall not be construed as a waiver of the QF's sovereign immunity. The value of this indemnification is limited to and consistent with the limitations of § 768.28(5)(a), Florida Statutes.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and executed this Memorandum of Understanding for the uses expressed herein effective this date, October 18, 2024.

PINELLAS COUNTY, FLORIDA

APPROVED AS TO FORM
By: Brendan Mackesey
Office of the County Attorney

Barry A. Burton
By: _____
Barry A. Burton, County Administrator

DUKE ENERGY FLORIDA, LLC

By: Jenny Camp
Title: WHOLESALE RENEWABLE MANAGER
Date: OCTOBER 18, 2024