

VOTE SHEET

DATE: February 1, 1994

RE: DOCKET NO. **DILLO-EQ** - Petition for a declaratory statement concerning financing and ownership structure of a cogeneration facility in Polk County, by POLK POWER PARTNERS, L.P.

<u>Issue 1:</u> Recommendation that the Commission should issue a declaratory statement to the effect that, contrary to Polk's petition, Polk's financing Option 1 would be deemed a sale of electricity, would cause Polk and any of its partners to be deemed a public utility, and therefore subject to Commission regulation.

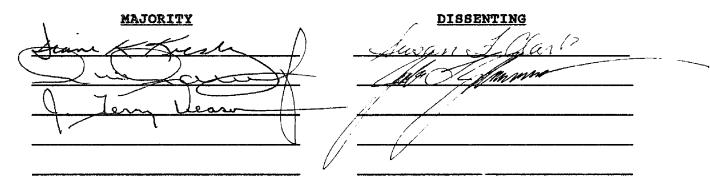
APPROVED

<u>Issue 2:</u> Recommendation that the Commission should issue a declaratory statement to the effect that, contrary to Polk's petition, Polk's financing Option 2 would be deemed a sale of electricity, would cause Polk and any of its partners to be deemed a public utility, and therefore subject to Commission regulation.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES



REMARKS/DISSENTING COMMENTS:

PSC/RAR33(5/90)

Commissioners Clark and Johnson dissented

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Issue 3: Recommendation that this docket be closed.

APPROVED

Additionally, the Commission, on its own motion, voted to initiate ruleneking as a means of reviewing its current procedures with regard to declaratory statements