

VOTE SHEET

July 26, 2011

Docket No. 110085-EI – Petition for Declaratory Statement by Mediterranean Manors, Inc., regarding applicability of Progress Energy tariff provisions.

Issue 1: Should Mediterranean Manors' Amended Petition for Declaratory Statement be granted?

Recommendation: The Commission should grant in part Mediterranean Manors' Amended Petition and issue a declaratory statement regarding the applicability of Progress' Tariff to Mediterranean Manors' particular set of circumstances. The Commission should deny the Amended Petition to the extent that it requests a determination of the conduct of Progress. The Commission should declare that, based on the facts set forth in the Amended Petition as applied to Progress' Tariff: (a) Mediterranean Manors is a multi-occupancy residential building and therefore Section 11.06 of Progress Tariff Sheet No. 4.166 is the applicable tariff; (b) the appropriate point of delivery with respect to Mediterranean Manors' buildings is the utility designated point of delivery, which is the transformer; (c) Mediterranean Manors is responsible for maintenance of the underground electrical cables running from the pad-mount transformer to its service entrance; and (d) the issue of whether Mediterranean Manors had the right to receive notice that Progress would no longer be responsible for cable maintenance is moot, based on staff's recommendation on Question (c), and, furthermore, Mediterranean Manors has not identified any tariff provision which would give it a right to receive such notice.

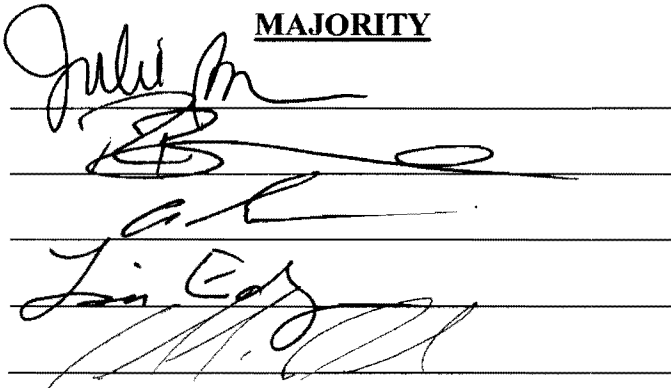
APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING



REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should this docket be closed?

Recommendation: Yes, the docket should be closed.

APPROVED