

VOTE SHEET

DATE: February 1, 1994

RE: DOCKET NO. 831190-EQ - Petition for a declaratory statement concerning financing and ownership structure of a cogeneration facility in Polk County, by POLK POWER PARTNERS, L.P.

Issue 1: 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

Issue 2: 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

MAJORITY

DISSENTING

James K. Fresh
[Signature]
J. Terry Hearon

Susan J. Clark
[Signature]

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 rulemaking as a means of reviewing its current procedures with regard to declaratory statements.