

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 4, 2001

RE: Docket No. 011356-EQ - Petition of Lee County, Florida, for declaratory statement of exemption, pursuant to Section 377.709(6), F.S., from determination of need requirement of Section 403.519, F.S.

ISSUE 1: Should the Commission grant Lee County's Petition for Declaratory Statement that its expansion is exempt from the need determination process pursuant to Section 377.709(6), Florida Statutes?

RECOMMENDATION: Yes. Since Lee County's Resource Recovery Facility is a "solid waste facility" within the meaning of Section 377.709(2)(f), Florida Statutes, its expansion by 20-25 MW is exempt from the need determination requirement pursuant to Section 377.709(6), Florida Statutes.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Stephen A. Paleski*  
*[Signature]*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission votes to dispose of the petition for declaratory statement, the docket should be closed.

**APPROVED**