

VOTE SHEET

December 3, 2013

Docket No. 130235-EQ – Petition for declaratory statement regarding co-ownership of electrical cogeneration facilities in Hendry County by Southeast Renewable Fuels, LLC.

Issue 1: Should the Commission grant the Motions to Address the Commission filed by Glades, the IOUs, and FECA?

Recommendation: Yes, the Motions to Address the Commission should be granted, and all parties and amici curiae should be allowed to participate at the agenda conference.



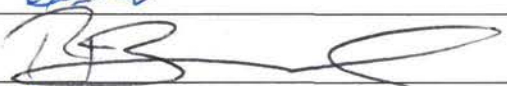

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Vote Sheet

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Issue 2: Should the Commission grant Southeast's Petition for Declaratory Statement?

Recommendation: Yes, the Commission should grant the Petition and issue the declaratory statement that the receipt and use of electricity by Southeast and its Confidential Partner from their jointly-owned electrical generating equipment 1) will not result in or be deemed to constitute an unlawful sale of electricity; 2) will not cause either Southeast or its Confidential Partner to be deemed a public utility as that term is defined in Section 366.02(1), F.S.; and 3) will not cause either Southeast or its Confidential Partner to be subject to Commission regulation. Consistent with Rule 28-105.003, F.A.C., the Commission should rely solely on the facts set forth in the Petition, as clarified by Southeast's Responses to the Staff Data Request, without taking a position on the validity of those facts. If the Commission issues the declaratory statement, the Order should state that it will be controlling as to those facts, and not as to other, different or additional facts.

DENIED

Issue 3: Should this docket be closed?

Recommendation: Yes, if the Commission votes to dispose of the Petition for Declaratory Statement, the docket should be closed.

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