

FLORIDA PUBLIC SERVICE COMMISSION

Item 2

VOTE SHEET

February 5, 2019

FILED 2/5/2019
DOCUMENT NO. 00615-2019
FPSC - COMMISSION CLERK

Docket No. 20180221-EQ – Petition by Tesla, Inc. for declaratory statement concerning leasing of solar electric equipment.

Issue 1: Should the Commission grant Tesla’s Petition for Declaratory Statement?

Recommendation: Yes. Based on the facts presented by Tesla, the Commission should grant Tesla’s Petition and declare: (1) Tesla’s proposed residential solar equipment lease, as described by its Petition, will not be deemed to constitute a sale of electricity; (2) Offering its solar equipment lease, as described in its Petition, to consumers in Florida will not cause Tesla to be deemed a public utility; and (3) The residential solar equipment lease described in its Petition will not subject Tesla or Tesla’s customer-lessees to regulation by this Commission. The Commission should also state that its declaration is limited to the facts described in Tesla’s Petition and would not apply to different, alternative facts. However, for those with an identical fact pattern to Sunrun’s, Vivint’s, or Tesla’s Petitions, these declarations have precedential significance and individual declaratory statements are not necessary.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

John L. Fy
D. Pol
ch
Julie
M. Ma

REMARKS/DISSENTING COMMENTS:

Vote Sheet

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Issue 2: Should this docket be closed?

Recommendation: Yes, if the Commission votes to either grant or deny the Petition for Declaratory Statement, the docket should be closed.

APPROVED