

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

October 28, 2003

HAND DELIVERED

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance  
Incentive Factor; FPSC Docket No. 030001-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and ten (10) copies of Tampa  
Electric Company's Revised Notice of Deposition Duces Tecum of witness Sheree L. Brown.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this  
letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

  
Lee L. Willis

LLW/pp  
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER DATE

10542 OCT 28 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased )  
Power Cost Recovery Clause ) DOCKET NO. 030001-EI  
And Generating Performance ) FILED: October 28, 2003  
Incentive Factor. )  
\_\_\_\_\_ )

**REVISED NOTICE OF DEPOSITION DUCES TECUM**

TO:

John W. McWhirter, Jr.  
McWhirter Reeves McGlothlin  
Davidson Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33601-3350

Vicki Gordon Kaufman  
McWhirter Reeves McGlothlin  
Davidson Kaufman & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301

Cochran Keating III  
Senior Attorney  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

PLEASE TAKE NOTICE THAT pursuant to Fla.R.Civ.P. 1.310, the undersigned will take the deposition of the following witness for Florida Industrial Power Users Group before a court reporter of Michael Musetta & Associates at the offices of McWhirter Reeves McGlothlin Davidson Kaufman & Arnold, P.A., 400 North Tampa Street, Suite 2450, Tampa Florida 33601-3350 as follows:

<b>Deponent:</b>	<b>Date &amp; Time:</b>	<b>Direct Call In No.</b>	<b>Passcode</b>
Sheree L. Brown	1:00 PM October 30, 2003	(785) 832-1077	78517

This deposition is being taken for the purpose of discovery, for use at trial and for such other purposes as are permitted under the Florida Rules of Civil Procedure.

The examination of the deponent may continue from day to day until completed or may be adjourned to be reconvened at such later date as may be established by those in attendance at such deposition.

The designation of materials to be produced is as follows:

The deponent will bring with her all documents that she used in preparation of her testimony, all documents referred to in the testimony and all mathematical calculations that form the basis for her testimony or the numbers used in her testimony.

PLEASE BE GOVERNED ACCORDINGLY.

DATED this 28<sup>th</sup> day of October, 2003.

Respectfully Submitted,

LEE L. WILLIS  
JAMES D. BEASLEY  
KENNETH R. HART  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32303  
(850) 224-9115

By: \_\_\_\_\_

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Notice of Deposition, filed on behalf of Tampa Electric Company, has been furnished electronically (\*) or U. S. Mail on this 28<sup>th</sup> day of October, 2003 to the following:

Mr. Wm. Cochran Keating III\*  
Senior Attorney  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. James A. McGee  
Associate General Counsel  
Progress Energy Florida, Inc.  
Post Office Box 14042  
St. Petersburg, FL 33733

Ms. Vicki Gordon Kaufman\*  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301

Mr. Robert Vandiver  
Associate Public Counsel  
Office of Public Counsel  
111 West Madison Street – Suite 812  
Tallahassee, FL 32399-1400

Mr. Norman Horton  
Messer Caparello & Self  
Post Office Box 1876  
Tallahassee, FL 32302

Mr. Ronald C. LaFace  
Mr. Seann M. Frazier  
Greenberg Traurig, P.A.  
Post Office Drawer 1838  
Tallahassee, FL 32302

Mr. John T. Butler  
Steel Hector & Davis LLP  
200 South Biscayne Boulevard, Suite 4000  
Miami, FL 33131-2398

Mr. William Walker  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Mr. R. Wade Litchfield  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408

Mr. John W. McWhirter, Jr.\*  
McWhirter, Reeves, McGlothlin,  
Davidson, Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-5126

Ms. Susan Ritenour  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520

Mr. Jeffrey A. Stone  
Mr. Russell A. Badders  
Beggs & Lane  
Post Office Box 12950  
Pensacola, FL 32591-2950

Mr. James J. Presswood, Jr.  
Southern Alliance for Clean Energy  
427 Moreland Ave., NE; Suite 100  
Atlanta, GA 30307

Michael Musetta & Assoc., Inc.  
Attn: Lisa Simons-Clark  
One Tampa City Center, Suite 3400  
201 N. Franklin St.  
Tampa, FL 33602

\_\_\_\_\_  
ATTORNEY