

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Florida Power & Light Company's) Docket No. 040206-EU
Petition for Determination of Need for Turkey)
Point Unit 5 Electrical Power Plant Power) Filed May 4, 2004.

CROSS-NOTICE OF TAKING DEPOSITION DUCES TECUM

TO: R. Wade Litchfield, Esquire
Natalie F. Smith, Esquire
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 22408-0420

PLEASE TAKE NOTE, THAT PURSUANT TO Florida Rule of Civil Procedure 1.310, Calpine Energy Services, Inc., will take the following depositions at the times and locations indicated:

Steven R. Sim
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gerald L. Gunter Building, Room 154
Tallahassee, Florida
Monday, May 10, 2004
9:00 a.m.

The deponent shall bring to this deposition copies of documents as set forth in Exhibit A. "Documents" means any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, electronic mail, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, electronic mail transmissions, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records or recordings or oral conversations, work papers, and also including, but not limited to,

DOCUMENT NUMBER-DATE

05125 MAY-4 3

FPSC-COMMISSION CLERK

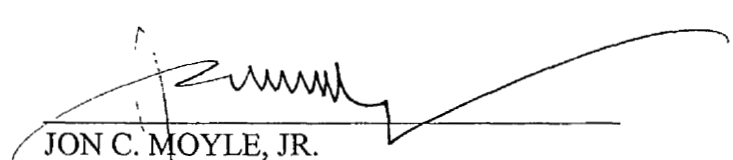
originals, whether by interlineation, receipt stamp, notation, indication of copies sent or received or otherwise, and drafts, which are in the possession, custody or control of FPL or in the possession, custody or control of the present or former agents, representatives or attorneys of FPL, or any and all persons acting on its behalf, including documents at any time in the possession, custody or control of such individuals or entities or known by FPL to exist.

“You”, “your”, “Company” or “FPL” refers to Florida Power and Light Company, its employees and authorized agents.

The foregoing will take place before a court reporter, notary public, or before some other officer authorized by law to take depositions. Said deposition is to be used for discovery purposes, for use at trial, or both, and will continue from day-to-day until complete.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact Jon C. Moyle, Jr., Esquire at 850/681-3828. If hearing impaired, call 1/800-955-8771 (TDD) or 1/800/955-8770 (V) via Florida Relay Service for assistance.

PLEASE GOVERN YOURSELVES ACCORDINGLY.



JON C. MOYLE, JR.

Florida Bar No. 727016

WILLIAM H. HOLLIMON

Florida Bar No. 104868

MOYLE, FLANIGAN, KATZ, RAYMOND
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy was served by hand-delivery this **4th** day of **May, 2004**, on Jennifer Brubaker, Esq., Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-9850; Charles A. Guyton, Esq., Steel Hector & Davis, LLP, 215 South Monroe Street, Suite 601, Tallahassee, FL 32301, and Mr. Bill Walker and Ms. Lynne Adams, Florida Power & Light Company, 215 South Monroe Street, Suite 810, Tallahassee, Florida 32301-1859; and by U.S. Mail to the following persons:

R. Wade Litchfield, Esquire
Natalie F. Smith, Esquire
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 22408-0420

Department of Community Affairs
Paul Darst
Strategic Planning
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100

Department of Environmental Protection
Buck Oven
Siting Coordination Office
2600 Blairstone Road, MS 48
Tallahassee, Florida 32301

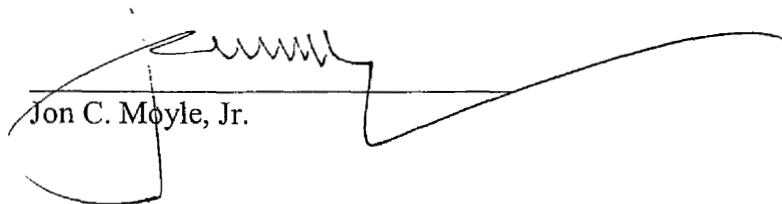

Jon C. Moyle, Jr.

EXHIBIT A

1. All documents you relied on in preparing your testimony.
2. All documents that you sent or received which relate to Turkey Point Unit 5
3. All documents that you sent or received which relate to the RFP process you conducted.
4. All documents that you sent or received which relate to the objections raised about the RFP.
5. All documents that you sent or received which relate to this need determination process pending before the PSC or DEP for the Turkey Point Unit 5 project.