

ORIGINAL

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By Hand Delivery

May 19, 2004

Richard E. Doran, Esquire
Ausley & McMullen
227 S. Calhoun Street
Tallahassee, Florida 32301

03 1033-ET

RECEIVED-FPSC
04 MAY 19 PM 4:50
COMMISSION
CLERK

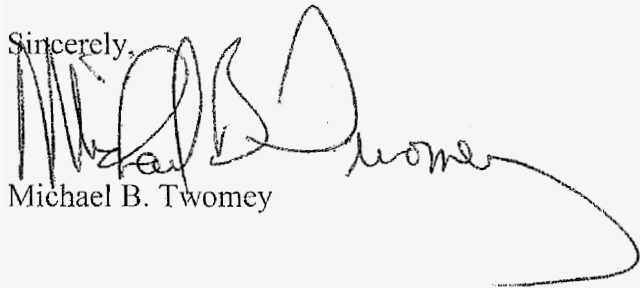
Re: Cancellation of Dartland deposition

Dear Mr. Doran:

Per Rule 1.351, Florida Rules of Civil Procedure, I believe the attached objection effectively precludes your issuance of the subpoena to Walter Dartland, which, in any event, was both premature and improperly effected for the reasons described in my clients' objection. I would urge you to immediately notify all the parties and non-parties potentially to be inconvenienced by appearing tomorrow.

I would note, too, that John Fons letter of May 13, 2004, a copy of which is attached, incorrectly states that the subpoena is pursuant to Rule 1.310, which neither subpoena I have been copied with is.

Sincerely,



Michael B. Twomey

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AUSLEY & McMULLEN

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(850) 224-9115 FAX (850) 222-7560

May 13, 2004

Walter Dartland, Executive Director,
Consumer Federation of the Southeast
2086 Wildridge Drive,
Tallahassee, Florida

Re: FPSC Docket No. 031033-EI

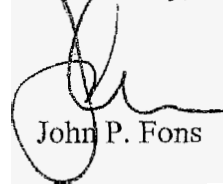
Dear Walter:

Enclosed is a copy of a Subpoena Duces Tecum for Deposition pursuant to Rule 1.310 (b)(16), Florida Rules of Civil Procedure, directed to the Consumer Federation of the Southeast. As Executive Director, we anticipate that you will be the corporate deponent.

We are aware that you will have just returned from Europe on May 19th, and that the deposition is scheduled for May 20, 2004. Unfortunately, the hearing date is quickly approaching, and we must take this deposition before that date. Nonetheless, we will work with you to find a mutually convenient date other than May 20th if necessary.

You can reach me at 425-5431.

Yours truly,



John P. Fons

cc: Mike Twomey