

Matilda Sanders

ORIGINAL

From: John Butler [John.Butler@steelhector.com]
Sent: Friday, October 22, 2004 11:05 AM
To: Filings@psc.state.fl.us
Cc: jbeasley@ausley.com; rab@beggsllane.com; nhorton@lawfla.com;
 christensen.patricia@leg.state.fl.us; jmcwhirter@mac-law.com; Vicki Gordon Kaufman;
 jmoylejr@moylelaw.com; james.mcgee@pgnmail.com; Adrienne Vining
Subject: Re: Electronic filing for Docket No. 040001-EI

I am enclosing for electronic filing in Docket No. 040001-EI, *In re: Fuel and Purchased Power Recovery Clause and Generating Performance Incentive Factor*, PDF files of Florida Power & Light Company's notices of deposition for the following witnesses: David E. Dismukes (three pages), Kerrick Knauth (three pages), Michael F. Vogt (three pages) and the corporate representative of Calpine Corporation (four pages). Each of these notices has been previously served on the parties to this docket.

Thank you for your assistance.

Best regards,

John T. Butler
 Steel Hector & Davis LLP
 Suite 4000
 200 South Biscayne Boulevard
 Miami, Florida 33131-2398
 305-577-2939
 jbutler@steelhector.com

- CMP _____
- COM _____
- CTR 1
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- SCR _____
- SEC 1
- OTH _____

DISMUKES
 DOCUMENT NUMBER-DATE
 11445 OCT 22 5

KNAUTH
 DOCUMENT NUMBER-DATE
 11446 OCT 22 5

VOGT
 DOCUMENT NUMBER-DATE
 11447 OCT 22 5

CALPINE
 DOCUMENT NUMBER-DATE

11448 OCT 22 5

FPSC-COMMISSION CLERK

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FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)
_____)

DOCKET NO. 040001-EI

NOTICE OF TAKING CORPORATE DEPOSITION

TO: Jon C. Moyle, Jr., Esq.
Moyle Flanigan Katz Raymond &
Sheehan, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

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

R. Wade Litchfield, Esq.
Natalie F. Smith, Esq.
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408

PLEASE TAKE NOTICE THAT pursuant to Rule 1.310, Florida Rules of Civil Procedure, on Friday, October 28, 2004, at 10:00 a.m., at the offices of Esquire Deposition Services, 101 East Kennedy Boulevard, Suite 3350, Tampa, Florida 33602, the undersigned will take the deposition of

- (1) The officer(s) or other employee(s) of Calpine Corporation ("Calpine"), or any affiliated companies, with knowledge of and responsibilities regarding Thomas K. Churbuck's intervention in Florida Public Service Commission ("Commission") Docket No. 040001-EI.
- (2) The officer(s) or other employee(s) of Calpine, or any affiliated companies, with knowledge of and responsibilities regarding the contact an employee of Calpine, or an affiliated company, made with an employee of Florida Power & Light Company ("FPL") on Wednesday, October 13, 2004, concerning potential power sales from the Hillabee Energy Center project in Alabama to FPL in the event that the Commission does not approve FPL's proposed Unit Power Sales Replacement Contracts.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

- (3) The officer(s) or other employee(s) of Calpine, or any affiliated companies, with knowledge of and responsibilities regarding the current status of permitting, construction, testing and placing into commercial operation of the Hillabee Energy Center project in Alabama, and the schedule therefor.
- (4) The officer(s) or other employee(s) of Calpine, or any affiliated companies, with specific knowledge of and responsibilities regarding how the Hillabee Energy Center project in Alabama will be financed.
- (5) The officer(s) or other employee(s) of Calpine with knowledge of and responsibilities regarding the statement on p. 16 of Calpine's Form 10-K/A filed with the Securities and Exchange Commission on September 22, 2004, that Calpine "intend[s] to focus on completing projects already in construction and starting new projects only when financing is available and attractive returns are expected."
- (6) The officer(s) or other employee(s) of Calpine with knowledge of Calpine's revised capital expenditure program as described on p. 73 of Calpine's Form 10-K/A filed with the Securities and Exchange Commission on September 22, 2004.

before a court reporter, notary public, or some other officer duly authorized to take depositions in the State of Florida. This deposition is being taken for such reasons as are permitted under the applicable and governing Rules of Civil Procedure and Florida Statutes, and will continue from day-to-day until complete.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact John T. Butler, Esquire, at (305) 577-2939. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by
electronic delivery to the above named addressees on October 20, 2004.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

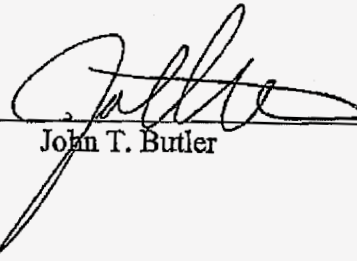
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Facsimile: 305-205-1197

Attorneys for Florida Power & Light
Company

By:



John T. Butler

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Notice of Taking Corporate Deposition has been electronically delivered this 20th day of October, 2004, to the following:

Adrienne Vining, Esq.
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Florida Public Service Commission
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John T. Butler