

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 040001-EI

CORRECTED 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 29, 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.

- (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 22, 2004.

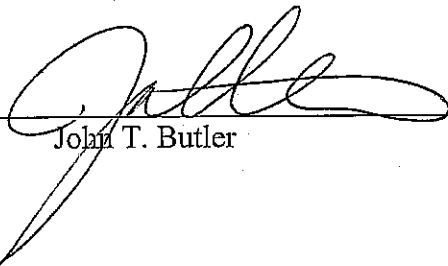
PLEASE GOVERN YOURSELVES ACCORDINGLY.

R. Wade Litchfield, Senior Attorney
Natalie F. Smith, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101
Facsimile: 561-691-7135

Attorneys for Florida Power & Light
Company

John T. Butler, Esq.
Steel Hector Davis, LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398
Telephone: 305-577-7000
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 Corrected Notice of Taking Corporate Deposition has been electronically delivered this 22nd day of October, 2004, to the following:

Adrienne Vining, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for TECO
P.O. Box 391
Tallahassee, Florida 32302

Patricia Christensen, Esq.
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399

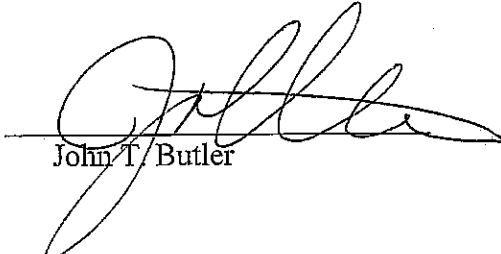
James A. McGee, Esq.
Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, Florida 33733

Norman H. Horton, Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
P.O. Box 1876
Tallahassee, Florida 32302-1876

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
117 South Gadsden Street
Tallahassee, Florida 32301

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32591-2950


John T. Butler