

Matilda Sanders

From: Elizabeth\_Carrero@fpl.com  
 Sent: Wednesday, March 29, 2006 11:36 AM  
 To: Filings@psc.state.fl.us  
 Cc: Wade\_Litchfield@fpl.com; Natalie\_Smith@fpl.com; Kirk\_Gillen@fpl.com;  
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 Bryan\_Anderson@fpl.com; Patrick\_Bryan@fpl.com; Jack\_Leon@fpl.com;  
 Maira\_Sanchez@fpl.com; JTButler@ssd.com  
 Subject: Electronic Filing for Docket No. 060038-EI - FPL's Notice of Taking Telephonic Depo Duces Tecum of Joseph S. Fichera, Staff

Attachments: Notice of Taking Telephonic Depo Duces Tecum of Joseph S. Fichera.Staff.doc

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR 1  
 ECR \_\_\_\_\_  
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 RCA \_\_\_\_\_  
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 SGA \_\_\_\_\_  
 SEC 1  
 OTH \_\_\_\_\_



Notice of Taking  
Telephonic De...

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith  
 Principal Attorney  
 Florida Power & Light Company  
 700 Universe Blvd.  
 Juno Beach, FL 33408  
 (561) 691-7207  
 natalie\_smith@fpl.com

b. Docket No. 060038-EI - Petition for issuance of a storm recovery financing order, by Florida Power & Light Company

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 5 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Taking Telephonic Deposition Duces Tecum of Joseh S. Fichera, Staff

(See attached file: Notice of Taking Telephonic Depo Duces Tecum of Joseph S. Fichera.Staff.doc)

Thank you for your attention and cooperation to this request.

Elizabeth Carrero, Legal Asst  
 Wade Litchfield, Esq. and Natalie Smith, Esq.  
 Phone: 561-691-7100  
 Fax: 561-691-7135  
 email: elizabeth\_carrero@fpl.com

DOCUMENT NUMBER-DATE  
 02796 MAR 29 06  
 FPSC-COMMISSION CL FRK

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's )  
Petition for Issuance of a Storm Recovery )  
Financing Order )  
\_\_\_\_\_ )

Docket No: 060038-EI  
Filed: March 29, 2006

NOTICE OF TAKING TELEPHONIC DEPOSITION DUCES TECUM

TO: Joseph S. Fichera  
c/o Wm. Cochran Keating, IV,  
Esquire  
Florida Public Service Commission  
Division of Legal Services  
Gerald L. Gunter Building  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

FROM: 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 **Wednesday, April 5, 2006, at 9:00 a.m., at Saber Partners, LLC, 44 Wall Street, 12<sup>th</sup> Floor, New York, New York 10005**, the undersigned will take the deposition of **Joseph S. Fichera by telephone conference** before a court reporter, notary public, or some other officer duly authorized to take depositions in the State of Florida. A dial-in number for this deposition will be provided by Staff prior to the deposition. This deposition is being taken for such reasons as are permitted under the applicable and governing Rules of Civil Procedure and Florida Statutes.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact Natalie F. Smith, Esquire, at (561) 691-7207. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

The deponent(s) shall bring to this deposition copies of documents as set forth below.

DOCUMENT NUMBER-DATE  
02796 MAR 29 06  
FPSC-COMMISSION CLERK

## DEFINITIONS

1. “You” or “your” means and refers to Joseph S. Fichera, Saber Partners, LLC, and any affiliated entities, employees, agents, officers and managers, including, but not limited to, the deponent(s). “You” or “your” also means and refers to the Staff of the Florida Public Service Commission and its employees, agents, officers and managers.

2. “Document or documents” means “documents” as defined in Rule 1.350 of the Florida Rules of Civil Procedure. In addition, the words “document” or “documents” shall mean any writing, recording, computer-stored information, or photograph in your possession, custody, care or control, which pertain directly or indirectly, in whole or in part, to any of the subjects listed below, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, e-mails, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes, or tape recordings.

3. “FPSC” means Florida Public Service Commission.

4. “All” means all or any.

5. The singular of any word contained herein shall include the plural and vice versa; the terms “and” and “or” shall be both conjunctive and disjunctive; and the term “including” means “including without limitation.”

## INSTRUCTIONS

6. Scope of Deposition Duces Tecum. In appearing for this Deposition Duces Tecum, produce all responsive documents, including any and all non-identical copies of each such document.

7. Manner of Objections and Inability to Respond. If you object to a part of a request and refuse to respond to that part, state your objection and answer the remaining portion

of that request. If you object to the scope of a request and refuse to produce documents for that scope, state your objection and produce documents for the scope you believe is appropriate.

8. If any of the requests cannot be responded to in full after exercising due diligence to secure the requested documents, please so state and respond and produce documents to the extent possible, specifying your inability to respond further. If your response or production is qualified or limited in any particular way, please set forth the details and specifics of such qualification or limitation.

9. Privileged Information or Documents. In the event you wish to assert attorney/client privilege or the work product doctrine, or both, or any other claim of privilege, then as to such documents allegedly subject to such asserted privileges, you are requested to supply an identification of such documents, in writing, with sufficient specificity to permit the Prehearing Officer or Commission to reach a determination in the event of a motion to compel as to the applicability of the asserted objection, together with an indication of the basis for the assertion of the claim of attorney/client privilege or the work product doctrine, or any other claim of privilege. The identification called for by this instruction shall include the nature of the document (e.g., interoffice memoranda, correspondence, report, etc.), the sender or author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list associated with such document, and a summary statement of the subject matter of the document in sufficient detail to permit the Prehearing Officer or Commission to reach a determination in the event of a motion to compel.

10. Computer-Generated Documents. If a requested document is on computer or word processing disc or tape, produce an electronic copy of the document and a printout of the document.

11. Organization of Documents. With respect to the documents produced, you shall produce them as they are kept in the usual course of business, labeling them to correspond with each numbered paragraph of this Request in response to which such documents are produced. All pages now stapled or fastened together and all documents that cannot be copied legibly should be produced in their original form.

**DOCUMENTS REQUESTED**

1. Please bring with you copies of all workpapers or other materials related to the preparation of any testimony filed by you in Docket No. 060038-EI or used by you in the preparation of responses to any of FPL's discovery requests in Docket No. 060038-EI.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by Electronic Mail and by United States Mail to the above named addressees on March 29, 2006.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

R. Wade Litchfield  
Bryan Anderson  
Patrick Bryan  
Natalie F. Smith  
Attorneys for  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

By: /s/ Natalie F. Smith  
Natalie F. Smith

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice of Taking Telephonic Deposition Duces Tecum has been served by electronic mail and by United States Mail this 29<sup>th</sup> day of March, 2006, to the following:

Wm. Cochran Keating, IV, Esquire  
Florida Public Service Commission  
Division of Legal Services  
Gerald L. Gunter Building  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Harold A. McLean, Esquire  
Charles J. Beck, Esquire  
Joseph A. McGlothlin, Esquire  
Patricia A. Christensen, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
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Attorneys for the Florida Retail Federation

Lieutenant Colonel Karen White \*  
and Captain Damund Williams  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base, Florida 32403  
Attorneys for the Federal Executive Agencies

Respectfully submitted,

R. Wade Litchfield  
Bryan Anderson  
Patrick Bryan  
Natalie F. Smith  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

By: /s/ Natalie F. Smith  
Natalie F. Smith

\* Indicates not an official party of record as of the date of this filing.