

ORIGINAL

Matilda Sanders

**From:** Nanci\_Nesmith@fpl.com  
**Sent:** Monday, April 03, 2006 8:31 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade\_Litchfield@fpl.com; Natalie\_Smith@fpl.com; Bill\_Feaster@fpl.com; Kirk\_Gillen@fpl.com; Nanci\_Nesmith@fpl.com; Patrick\_Bryan@fpl.com; Lynne\_Adams@fpl.com; Bryan\_Anderson@fpl.com; Maira\_Sanchez@fpl.com; Elizabeth\_Carrero@fpl.com; Natalie\_Smith@fpl.com  
**Subject:** Electronic Filing for Docket No. 060038-EI / FPL's Amended Notice of Taking Deposition Duces Tecum of Kathy Welch

**Attachments:** Amended Notice of Taking Depo Duces Tecum of Kathy Welch Staff.doc



Amended Notice  
of Taking Depo ..

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

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

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

d. There are a total of 5 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Amended Notice of Taking Deposition Duces Tecum of Kathy Welch.

(See attached file: Amended Notice of Taking Depo Duces Tecum of Kathy Welch Staff.doc)

Thank you for your attention and cooperation to this request.

Nanci NeSmith  
Florida Power & Light  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301  
850-521-3900

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR   1    
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC   1    
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
02920 APR-3 06  
FPSC-COMMISSION CLERK

**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: April 3, 2006

**AMENDED NOTICE OF  
TAKING DEPOSITION DUCES TECUM  
(changed to telephonic deposition)**

TO: Kathy Welch  
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 **Monday, April 3, 2006, at 9:30 a.m., at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Room 362 Gunter Building, Tallahassee, Florida**, the undersigned will take the deposition of **Kathy Welch 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 has been provided. 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.

### **DEFINITIONS**

1. “You” or “your” means and refers to Kathy Welch, and her employees, agents 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 or report filed by you in FPSC 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 April 3, 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 Amended Notice of Taking Deposition has been served by electronic mail and by United States Mail this 3<sup>rd</sup> day of April, 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  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

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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.