

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

December 30, 2008

HAND DELIVERED

RECEIVED-FPSC  
08 DEC 30 PM 3:16  
COMMISSION  
CLERK

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Petition for Rate Increase by Tampa Electric Company  
FPSC Docket No. 080317-EI

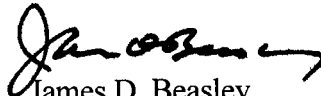
Dear Ms. Cole:

Enclosed for filing are fifteen (15) copies of Notice of Deposition filed on behalf of Tampa Electric Company.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

  
James D. Beasley

COM	_____
ECR	_____
GCL	<u>4</u>
OPC	_____
RCP	<u>1</u>
SSC	<u>1</u>
SGA	<u>2</u>
ADM	_____
CLK	<u>Rich M.</u>

JDB/bjd  
Enclosure

cc: All Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

11951 DEC 30 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase )  
by Tampa Electric Company. )  
\_\_\_\_\_ )

DOCKET NO. 080317-EI

FILED: December 30, 2008

**NOTICE OF DEPOSITION**

TO:

Vicki Gordon Kaufman  
Jon C. Moyle, Jr.  
Anchors Smith Grimsley  
118 North Gadsden Street  
Tallahassee, FL 32301

John W. McWhirter, Jr.  
McWhirter, Reeves & Davidson, P.A.  
Post Office Box 3350  
Tampa, FL 33601-3350

Robert Scheffel Wright  
John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

NOTICE is hereby given that Tampa Electric Company will take the deposition of Tom Herndon, a witness on behalf of Florida Industrial Power Users Group and the Florida Retail Federation, on Wednesday, January 7, 2009, in the offices of Ausley & McMullen (in the downstairs conference room of the firm's Annex, located at 316 East Jefferson Street, Tallahassee, Florida 32301). The beginning time of the deposition on that date will be one-half hour after the conclusion of the prehearing conference in this proceeding which is scheduled to convene on January 7, 2008, at 1:00 p.m. The witness should bring copies of (a) his prefiled testimony in this docket; (b) any and all work papers or materials reviewed, used or relied upon by the witness in

DOCUMENT NUMBER-DATE

11951 DEC 30 8

FPSC-COMMISSION CLERK

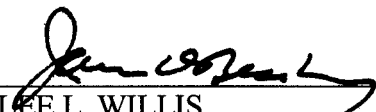
preparing his prefiled testimony; and (c) any and all work papers or other materials reviewed, used by or relied upon by the witness in preparation of any response to any discovery requests of that witness in this docket.

This deposition will be taken for purposes of discovery, for use at trial, or for any other purpose allowed under the Florida Rules of Civil Procedure, the Uniform Rules of Procedure and the Rules of the Florida Public Service Commission. This deposition will continue until completed.

Please govern yourselves accordingly.

DATED this 30<sup>th</sup> day of December, 2008.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
KENNETH R. HART  
J. JEFFRY WAHLEN  
Ausley & McMullen  
Post Office Box 392  
Tallahassee, Florida 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Deposition, filed on behalf of Tampa Electric Company, has been served by hand delivery (\*) or U. S. Mail on this 30<sup>th</sup> day of December, 2008 to the following:

Keino Young/Martha Brown\*  
Jennifer Brubaker/Jean Hartman  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

J. R. Kelly/Patricia A. Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Robert Scheffel Wright  
John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

Vicki Gordon Kaufman  
Jon C. Moyle, Jr.  
Anchors Smith Grimsley  
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McWhirter, Reeves & Davidson, P.A.  
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Michael B. Twomey  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Cecilia Bradley  
Office of the Attorney General  
The Capitol – PL 01  
Tallahassee, FL 32399-1050

  
\_\_\_\_\_  
ATTORNEY