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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Joint Petition for )  
Determination of Need for an )  
Electrical Power Plant in Volusia )  
County by the Utilities Commission, )  
City of New Smyrna Beach, Florida, )  
and Duke Energy New Smyrna Beach )  
Power Company Ltd., L.L.P. )

DOCKET NO. 981042-EM RECORDS AND REPORTING  
FILED: NOVEMBER 4, 1998

PETITIONERS' NOTICE OF TAKING DEPOSITION OF FPL ENERGY, INC.

Petitioners, Utilities Commission, New Smyrna Beach, Florida and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P., pursuant to Uniform Rule 28-106.206, Florida Administrative Code, and Rule 1.310(b)(6), Florida Rules of Civil Procedure, hereby give notice of taking the deposition of FPL Energy, Inc. ("FPL Energy"), and request that FPL Energy designate a corporate representative to give testimony on the following subjects:

1. the status of merchant power plants in states other than Florida;
2. FPL Energy's, or any of its affiliate's, direct or indirect ownership interests in "qualifying facilities," within the meaning of the Public Utilities Regulatory Policies Act, or in "exempt wholesale generators," within the meaning of the Energy Policy Act of 1992 and the Public Utility Holding Company Act of 1935;
3. retail and wholesale competition in the electric power industry;

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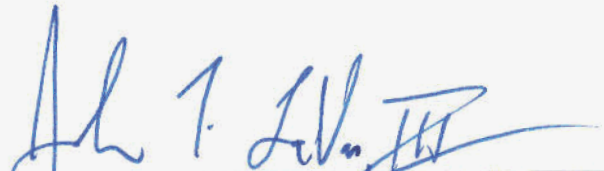
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 FPSC-RECORDS/REPORTING

4. the status and development of wholesale electric power markets in Florida and in states other than Florida;
5. FPL Energy's and any of its affiliates' involvement in, and participation in, wholesale electric power markets in Florida and in states other than Florida;
6. the impact of the development of merchant plants on stranded costs (and stranded benefits) of (a) FPL Energy and (b) state-regulated, retail-serving utilities generally;
7. the effect of the construction and operation of merchant power plants on FPL Energy's and other retail-serving Florida utilities' obligation to plan for and provide electric service;
8. the effect of the construction and operation of merchant power plants on FPL Energy's and other retail-serving Florida utilities' ability to seek future determinations of need for electrical power plants; and
9. FPL Energy's and any of FPL Energy's affiliates' sales of electric energy, or sales of electric capacity and energy, at market-based rates or negotiated rates.

The deposition of FPL Energy's corporate designee will be taken at the offices of Steel Hector & Davis, L.L.P., 215 South Monroe, Suite 601, Tallahassee, Florida 32301, or at a mutually convenient location on November 16, 1998 at 11:30 a.m., or at another mutually convenient time and place, and will continue from day to day until completed.

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

Please govern yourselves accordingly.



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Attorneys for the Utilities Commission,  
City of New Smyrna Beach, Florida,

and

Duke Energy New Smyrna Beach Power  
Company Ltd., L.L.P.

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 981042-EM**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or by United States Mail, postage prepaid, on the following individuals this 4th day of November, 1998:

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