

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition to Determine Need for Turkey Point Unit 5 Power Plant by Florida Power & Light Company.

Docket No. 040206-EI Dated: May 18, 2004 COMMISSION CLERK

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: R. Wade Litchfield, Esq. Natalie F. Smith, Esq. Florida Power & Light Co. 700 Universe Blvd. Juno Beach, FL 33408

PLEASE TAKE NOTICE THAT pursuant to Rule 1.310, Florida Rules of Civil Procedure, on Tuesday, May 25, 2004, at 9:00 a.m., at the offices of Calpine Energy Services, L.P. 2701 North Rocky Point Drive, Suite 10, Tampa, FL 33607, the undersigned will take the deposition of

- (1) The officer(s), director(s), or managing agent(s) of Calpine Energy Services, L.P., or any affiliated companies, with knowledge of Calpine Energy Services' proposal submitted in response to Florida Power & Light Company's ("FPL's") 2003 Request for Proposals ("RFP");
(2) The officer(s), director(s), or managing agent(s) of Calpine Energy Services, L.P., or any affiliated companies, with knowledge of the alleged infirmities in FPL's 2003 RFP process or evaluation, including the affect(s), if any, of such infirmities on Calpine Energy Services' proposal submitted in response to FPL's 2003 RFP;
(3) The officer(s), director(s), or managing agent(s) of Calpine Energy Services, L.P., or any affiliated companies, with knowledge of how the facility from which Calpine Energy Services submitted a proposal in response to FPL's 2003 RFP is or will be financed;

CMP COM CTR ECR GCL OPC MMS RCA SCR SEC OTH

1 See Petition to Intervene of Calpine Energy Services, March 31, 2004.

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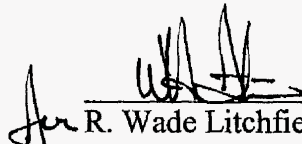
- (4) The officer(s), director(s), or managing agent(s) of Calpine Energy Services, L.P., or any affiliated companies, with knowledge of the overall financial condition of Calpine Corporation;

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 R. Wade Litchfield, Esquire, at (561) 691-7100. 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 Hand Delivery to the above named addressees on May 18, 2004.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

  
\_\_\_\_\_  
R. Wade Litchfield  
Natalie F. Smith  
Florida Power & Light Company  
Law Department  
700 Universe Boulevard  
Juno Beach, FL 33408  
Tele: (561) 691-7100  
Fax: (561) 691-7135

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Notice of Deposition has been furnished by hand delivery (\*) and by United States Mail this 18th day of May, 2004, to the following:

Jennifer Brubaker, Esq.\*  
Senior Attorney  
Florida Public Service Commission  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850


Office of Public Counsel  
c/o Harold McLean/Stephen C. Burgess  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Department of Community Affairs  
Paul Darst  
Strategic Planning  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

**Department** of Environmental Protection  
(Siting)  
Buck Oven  
Siting Coordination Office  
2600 Blairstone Road, MS 48  
Tallahassee, FL 32301

Jon C. Moyle, Jr., Esq.\*  
William H. Hollimon  
Moyle Flanigan Katz Raymond &  
Sheehan, P.A.  
The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301

Calpine Energy Services, L.P.  
2701 North Rocky Point Drive, Suite 10  
Tampa, FL 33607

By:   
for R. WADE LITCHFIELD