

Matilda Sanders

ORIGINAL

From: John Butler [John.Butler@steelhector.com]  
 Sent: Friday, October 22, 2004 11:05 AM  
 To: Filings@psc.state.fl.us  
 Cc: jbeasley@ausley.com; rab@beggsllane.com; nhorton@lawfla.com;  
 christensen.patricia@leg.state.fl.us; jmcwhirter@mac-law.com; Vicki Gordon Kaufman;  
 jmoylejr@moylelaw.com; james.mcgee@pgnmail.com; Adrienne Vining  
 Subject: Re: Electronic filing for Docket No. 040001-EI

I am enclosing for electronic filing in Docket No. 040001-EI, *In re: Fuel and Purchased Power Recovery Clause and Generating Performance Incentive Factor*, PDF files of Florida Power & Light Company's notices of deposition for the following witnesses: David E. Dismukes (three pages), Kerrick Knauth (three pages), Michael F. Vogt (three pages) and the corporate representative of Calpine Corporation (four pages). Each of these notices has been previously served on the parties to this docket.

Thank you for your assistance.

Best regards,

John T. Butler  
 Steel Hector & Davis LLP  
 Suite 4000  
 200 South Biscayne Boulevard  
 Miami, Florida 33131-2398  
 305-577-2939  
 jbutler@steelhector.com

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*DISMUKES*  
 DOCUMENT NUMBER-DATE  
 11445 OCT 22 3  
 10/22/2004  
 FPSC-COMMISSION CLERK

*KNAUTH*  
 DOCUMENT NUMBER-DATE  
 11446 OCT 22 3  
 FPSC-COMMISSION CLERK

*VOGT*  
 DOCUMENT NUMBER-DATE  
 11447 OCT 22 3  
 FPSC-COMMISSION CLERK

*CALPINE*  
DOCUMENT NUMBER-DATE

11448 OCT 22 3

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )

DOCKET NO. 040001-EI

NOTICE OF TAKING TELEPHONIC 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: John T. Butler, Esq.  
Steel Hector Davis, LLP  
200 South Biscayne Boulevard  
Suite 4000  
Miami, FL 33131-2398

Joseph A. McGlothlin, Esq.  
Vicki Gordon Kaufman, Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, et al.  
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117 South Gadsden Street  
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R. Wade Litchfield, Esq.  
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 Thursday, October 28, 2004, at 10:00 a.m. (EDT), at the offices of Acadian Consulting Group, 6455 Overton Street, Baton Rouge, Louisiana, the undersigned will take the deposition of **David E. Dismukes** 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.

This deposition will be held by telephone conference call. Please call **1-888-889-2459**, **Passcode: 14505**, to participate.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact John T. Butler, Esquire, at (305) 577-2939. 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 electronic delivery to the above named addressee on October 21, 2004.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

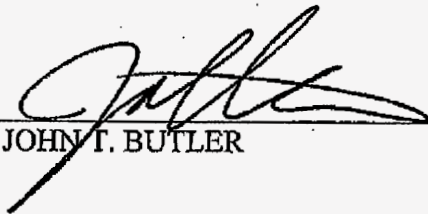
R. Wade Litchfield, Senior Attorney  
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Facsimile: 305-577-7001

Attorneys for Florida Power & Light  
Company

By:

  
\_\_\_\_\_  
JOHN T. BUTLER

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Notice of Taking Deposition has been electronically delivered this 21<sup>st</sup> day of October, 2004, to the following:

Adrienne Vining, Esq.  
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Florida Public Service Commission  
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\_\_\_\_\_  
JOHN T. BUTLER