

ORIGINAL

Matilda Sanders

From: Tim Perry [tperry@mac-law.com]  
Sent: Wednesday, October 27, 2004 3:40 PM  
To: Filings@psc.state.fl.us  
Subject: Docket 040001-EI

1. Joseph A. McGlothlin and Timothy J. Perry, McWhirter Reeves, 117 S. Gadsden Street, Tallahassee, FL 32301, (850) 222-2525, [jmcglothlin@mac-law.com](mailto:jmcglothlin@mac-law.com) and [tperry@mac-law.com](mailto:tperry@mac-law.com) are responsible for this electronic filing;
2. The filing is to be made in Docket No. 040001-EI, *In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor*;
3. The filing is made on behalf of the Florida Industrial Power Users Group;
4. The total number of pages is 3; and
5. Attached to this e-mail in Adobe format is the Florida Industrial Power Users Group's Cross-Notice of Deposition of Thomas Hartman.

Timothy J. Perry  
McWhirter Reeves  
117 S. Gadsden St.  
Tallahassee, FL 32301  
(850) 222-2525  
(850) 222-5606 - Fax  
[tperry@mac-law.com](mailto:tperry@mac-law.com)

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

DOCUMENT NUMBER-DATE

11611 OCT 27 3

FPSC-COMMISSION CLERK

10/27/2004

ORIGINAL

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

---

Docket No. 040001-EI  
Filed: October 27, 2004

**CROSS-NOTICE OF DEPOSITION OF THOMAS HARTMAN**

TO: John T. Butler, Esquire  
Steel Hector & Davis Law Firm  
200 South Biscayne Blvd.  
Suite 400  
Miami, Florida 33131-2398

**NOTICE** is hereby given that the Florida Industrial Power Users Group will take the telephonic deposition of Thomas Hartman, upon oral examination before an official court reporter or other officer authorized by law to take depositions at the following time and location indicated:

Thursday, October 28, 2004  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, Florida 33408

Upon the conclusion of questions asked by counsel for Staff of the Florida Public Service Commission and Thomas K. Churbuck.

The oral examination will continue from day to day until completed.

Each witness should bring copies of all workpapers or other materials used by the witness in the preparation of his direct and rebuttal testimony filed in this docket or used by the witness in the preparation of responses to discovery requests in this docket.

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 Uniform rules of Procedure, and the Rules of the Florida Public Service Commission.

Please govern yourselves accordingly.

s/ Joseph A. McGlothlin

John W. McWhirter, Jr.  
McWhirter Reeves McGlothlin Davidson  
Kaufman & Arnold, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, Florida 33601-3350

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
Timothy J. Perry  
McWhirter Reeves McGlothlin Davidson  
Kaufman & Arnold, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301

Attorneys for the Florida Industrial  
Power Users Group

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Cross-Notice of Deposition of Thomas Hartman has been furnished by electronic mail and U.S. Mail this 27<sup>th</sup> day of October, 2004, to the following:

Adrienne Vining  
Wm. Cochran Keating IV  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Harold McLean  
Patricia A. Christensen  
Office of the Public Counsel  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399

John T. Butler  
Steel Hector & Davis LLP  
200 S. Biscayne Boulevard  
Suite 4000  
Miami, Florida 33131-2398

Lee L. Willis  
James D. Beasley  
Ausley & McMullen  
227 S. Calhoun Street  
Tallahassee, Florida 32302

Jeffrey A. Stone  
Beggs & Lane  
Post Office Box 12950  
Pensacola, Florida 32591

James A. McGee  
100 Central Avenue, Suite CX1D  
St. Petersburg, Florida 33701

Norman H. Horton  
Messer, Caparello & Self  
215 South Monroe Street  
Suite 701  
Tallahassee, Florida 32302

John T. English  
Florida Public Utilities Company  
Post Office Box 3395  
West Palm Beach, Florida 33402

Michael B. Twomey  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

Jon Moyle  
Moyle, Flanigan, Raymond, & Sheean  
The Perkins House  
118 North Gadsden Street  
Tallahassee, Florida 32301

s/ Joseph A. McGlothlin  
Joseph A. McGlothlin