

JAMES E. "JIM" KING, JR.
President



Harold McLean
Public Counsel

ORIGINAL

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

JOHNNIE BYRD
Speaker



January 27, 2005

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

COMMISSION
CLERK
05 JAN 27 PM 4:44
RECEIVED-FPSC

RE: Florida Power & Light Company's petition for approval of storm cost recovery clause for extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan – FPSC Docket No. 041291-EI

Dear Ms. Bayó:

Enclosed are an original and three copies of Office of Public Counsel's Second Amended Notice of Deposition for filing in the above-referenced docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Joseph A. McGlothlin
Associate Public Counsel

- CMP _____
- COM _____
- CTR 1 _____
- ECR _____
- GCL _____
- OPC _____ JM/pwd
- MMS _____ Enclosures
- RCA _____ cc: National Reporting Services
- SCR _____ (via facsimile)
- SEC 1 _____
- OTH _____

DOCUMENT NUMBER-DATE

01007 JAN 27 05

FPSC COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm Reserve balance, by Florida Power & Light Company

Docket No. 041291-EI

Filed: January 27, 2005

SECOND AMENDED NOTICE OF DEPOSITION

TO: R. Wade Litchfield
Natalie Smith
700 Universe Boulevard
Juno Beach, FL 33408

NOTICE is hereby given that the undersigned or another attorney with the Office of Public Counsel will take the deposition of the following individual at the corporate offices of Florida Power & Light Company ("FPL") located at 9250 West Flagler Street,

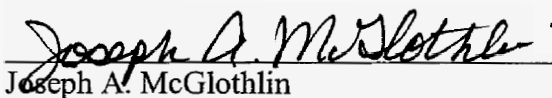
| | |
|--|-----------|
| K. Michael Davis -and- Corporate representative who is the subject matter expert having responsibility for and knowledge of capital cost calculations included in the storm recovery request, including the handling of retirement and replacement transactions, cost of removal, and the booking of new capital additions into the corporate records. | 2:00 p.m. |
|--|-----------|

This deposition shall be taken upon oral examination before an official court reporter or other officer authorized by law to take depositions. This deposition is being taken for purposes of discovery, for use at trial, or for any other purposes allowed under the Florida Rules of Civil Procedure and the Rules of the Florida Public Service Commission.

Mr. Davis is requested to bring to the deposition his prefiled testimony and all documents and materials on which he relied in the preparation of the prefiled testimony.

In the absence of an agreement with Florida Power & Light Company, the call in numbers that appeared in earlier notices are no longer applicable.

PLEASE GOVERN YOURSELF ACCORDINGLY.

A handwritten signature in black ink that reads "Joseph A. McGlothlin". The signature is written in a cursive style and is positioned above a horizontal line.

Joseph A. McGlothlin
Associate Public Counsel
Florida Bar No. 163771
Office of Public Counsel
111 West Madison Street, Room 812
c/o The Florida Legislature
Tallahassee, FL 32399-0850

(850) 488-9330

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Second Amended Notice of Deposition has been furnished by e-mail and U.S. Mail this 27th day of January, 2005, to the following:

Cochran Keating
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

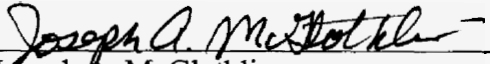
Michael B. Twomey, Esquire
Post Office Box 5256
Tallahassee, FL 32314-5256

Florida Power & Light Company
Mr. Bill Walker
Vice President, Regulatory Affairs
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301-1859

R. Wade Litchfield
Natalie Smith
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Juno Beach, FL 33408

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Kaufman & Arnold, P.A.
400 North Tampa, Street, Ste. 2450
Tampa, FL 33602



Joseph A. McGlothlin
Associate Public Counsel