

Matilda Sanders

ORIGINAL

From: Elizabeth_Carrero@fpl.com
Sent: Friday, July 29, 2005 3:11 PM
To: Filings@psc.state.fl.us
Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; Bill_Feaster@fpl.com; Kirk_Gillen@fpl.com; Nanci_Nesmith@fpl.com; Jack_Leon@fpl.com; David_Lee@fpl.com; Patrick_Bryan@fpl.com
Subject: Electronic Filing for Docket No. 050045-EI / Docket No. 050188-EI - Florida Power & Light Company's Notice of Taking Deposition Duces Tecum of David E. Dismukes

Attachments: Notice of Depo Duces Tecum of David E. Dismukes.OPC.doc



Notice of Duces Tecur

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith, Attorney
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408
(561) 691-7207
natalie_smith@fpl.com

b. Docket No. 050045-EI / Docket No. 050188-EI

In re: Petition for rate increase by Florida Power & Light Company In re: 2005 Comprehensive Depreciation Studies by Florida Power & Light Company

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 7 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Taking Deposition Duces Tecum of David E. Dismukes.

(See attached file: Notice of Depo Duces Tecum of David E. Dismukes.OPC.doc)

Thank you for your attention and cooperation to this request.

Elizabeth Carrero, Legal Asst
~~CMF~~ Wade Litchfield, Esq. and Natalie Smith, Esq.
Phone: 561-691-7100
~~COM~~ Fax: 561-691-7135
email: elizabeth_carrero@fpl.com

- CTR 1
- ECR
- GCL
- OPC
- RCA
- SCR
- SGA
- SEC 1
- OTH

DOCUMENT NUMBER-DATE
07342 JUL 29 03

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Power & Light Company)
_____)
In re: 2005 comprehensive depreciation)
study by Florida Power & Light Company.)
_____)

Docket No: 050045-EI

Docket No. 050188-EI

Filed: July 29, 2005

NOTICE OF TAKING DEPOSITION DUCES TECUM

TO: Harold A. McLean, Esquire
Charles J. Beck, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Rm 812
Tallahassee, FL 32399-1400

FROM: Susan F. Clark, Esq.
Radey Thomas Yon & Clark, P.A.
Post Office Box 10967 (32302)
301 South Bronough Street, Suite 200
Tallahassee, Florida 32301

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 **Friday, August 12, 2005, from 12:30pm to 4:30p.m., at the offices of Radey Thomas Yon & Clark P.A., 301 South Bronough Street, Suite 200, Tallahassee, Florida 32301, Telephone: (850) 425-6654**, 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. A dial-in number for this deposition will be provided prior to the deposition. This deposition is being taken for such reasons as are permitted under the applicable and governing Rules of Civil Procedure and Florida Statutes.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact Natalie F. Smith, Esquire, at (561) 691-7207. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

The deponent(s) shall bring to this deposition copies of documents as set forth below.

DEFINITIONS

1. "OPC" shall mean or refer to the Office of Public Counsel, and its authorized representatives, officers, employees, or managing agents, including but not limited to David E. Dismukes.
2. "You," "yours" and/or "yourselves" means and refers to OPC, Acadian Consulting Group, and any affiliated entities, and its employees, agents, officers and managers, including, but not limited to, the deponent(s).
3. "Person" or "persons" means all natural persons and entities, including but not limited to: corporations, companies, partnerships, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus, or boards.
4. "Document or documents" means "documents" as defined in Rule 1.350 of the Florida Rules of Civil Procedure. In addition, the words "document" or "documents" shall mean any writing, recording, computer-stored information, or photograph in your possession, custody, care or control, which pertain directly or indirectly, in whole or in part, to any of the subjects listed below, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, e-mails, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes, or tape recordings.

5. "FPSC" means Florida Public Service Commission.
6. "FPL" means Florida Power & Light Company.
7. "Related to" shall mean contain, discussed, described, addressed or referred to.
8. "Testimony" shall mean the testimony filed by OPC in Docket Nos. 050045-EI and 050188-EI on June 27, 2005.
9. "All" means all or any.
10. The singular of any word contained herein shall include the plural and vice versa; the terms "and" and "or" shall be both conjunctive and disjunctive; and the term "including" means "including without limitation."

INSTRUCTIONS

11. Scope of Deposition Duces Tecum. In appearing for this Deposition Duces Tecum, produce all responsive documents, including any and all non-identical copies of each such document.

12. Manner of Objections and Inability to Respond. If you object to a part of a request and refuse to respond to that part, state your objection and answer the remaining portion of that request. If you object to the scope of a request and refuse to produce documents for that scope, state your objection and produce documents for the scope you believe is appropriate.

13. If any of the requests cannot be responded to in full after exercising due diligence to secure the requested documents, please so state and respond and produce documents to the extent possible, specifying your inability to respond further. If your response or production is qualified or limited in any particular way, please set forth the details and specifics of such qualification or limitation.

14. Privileged Information or Documents. In the event you wish to assert attorney/client privilege or the work product doctrine, or both, or any other claim of privilege, then as to such documents allegedly subject to such asserted privileges, you are requested to supply an identification of such documents, in writing, with sufficient specificity to permit the Prehearing Officer or Commission to reach a determination in the event of a motion to compel as to the applicability of the asserted objection, together with an indication of the basis for the assertion of the claim of attorney/client privilege or the work product doctrine, or any other claim of privilege. The identification called for by this instruction shall include the nature of the document (e.g., interoffice memoranda, correspondence, report, etc.), the sender or author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list associated with such document, and a summary statement of the subject matter of the document in sufficient detail to permit the Court to reach a determination in the event of a motion to compel.

15. Computer-Generated Documents. If a requested document is on computer or word processing disc or tape, produce an electronic copy of the document and a printout of the document.

16. Organization of Documents. With respect to the documents produced, you shall produce them as they are kept in the usual course of business, labeling them to correspond with each numbered paragraph of this Request in response to which such documents are produced. All pages now stapled or fastened together and all documents that cannot be copied legibly should be produced in their original form.

DOCUMENTS REQUESTED

1. All documents or work papers related to, relied upon, or referred to in preparation of your pre-filed testimony in FPSC Docket Nos. 050045-EI, 050188-EI.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by Electronic Mail and by United States Mail to the above named addressees on July 29, 2005.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Susan F. Clark, Esq.
Radey Thomas Yon & Clark, P.A.
Post Office Box 10967 (32302)
301 South Bronough Street, Suite 200
Tallahassee, Florida 32301
Telephone: (850) 425-6654
Facsimile: (850) 425-6694 Fax

R. Wade Litchfield, Esq.
Natalie F. Smith, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7100
Facsimile: 561-691-7135

Attorneys for Florida Power & Light
Company

By: s/ Natalie F. Smith
NATALIE F. SMITH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice of Taking Deposition Duces Tecum has been served by electronic mail and by United States Mail this 29th day of July, 2005, to the following:

Wm. Cochran Keating, IV, Esquire
Katherine E. Fleming, Esquire
Jeremy Susac, Esquire
Florida Public Service Commission
Division of Legal Services
Gerald L. Gunter Building
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Harold A. McLean, Esquire
Charles J. Beck, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

John W. McWhirter, Esquire
c/o McWhirter Reeves, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Attorneys for the Florida Industrial Power
Users Group

Timothy J. Perry, Esquire
McWhirter Reeves, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Attorneys for the Florida Industrial Power
Users Group

Miami-Dade County Public Schools *
c/o Jaime Torrens
Dist. Inspections, Operations and
Emergency Mgt.
1450 N.E. 2nd Avenue
Miami, Florida 33132

D. Bruce May, Jr., Esquire *
Holland & Knight, LLP
Post Office Drawer 810
Tallahassee, Florida 32302-0810
Attorneys for Miami-Dade County Public
Schools

David Brown, Esquire
McKenna Long & Aldridge LLP
One Peachtree Center
303 Peachtree Street, N.E., Suite 5300
Atlanta, Georgia 30308
Attorneys for the Commercial Group

Michael B. Twomey, Esquire
P.O. Box 5256
Tallahassee, Florida 32314-5256
Attorney for AARP

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, Florida 32301
Attorneys for Florida Retail Federation

Mark F. Sundback
Kenneth L. Wiseman
Gloria J. Halstead
Jennifer L. Spina
Andrews & Kurth LLP
1701 Pennsylvania Avenue, NW.,
Suite 300
Washington, D.C. 20006
Attorneys for South Florida
Hospital and Healthcare
Association

Major Craig Paulson, Esquire
AFCESA/ULT
139 Barnes Drive
Tyndall Air Force Base, Florida 32403
Attorney for Federal Executive Agencies

Stephen J. Baron
Lane Kollen
J. Kennedy Associates, Inc.
570 Colonial Park Drive
Suite 305
Roswell, GA 30075
Consultants for South Florida Hospital and
Healthcare Association

By: s/Natalie F. Smith
NATALIE F. SMITH