

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

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In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO. 050001-EI

FILED: OCTOBER 17, 2005

COMMISSION CLERK

NOTICE OF TELEPHONIC DEPOSITION

TO: Natalie F. Smith, Esquire  
R. Wade Litchfield, Esquire  
Florida Power & Light Company, Inc.  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

NOTICE is hereby given that the Staff of the Florida Public Service Commission will take the telephonic deposition of the individual listed below, upon oral examination before an official court reporter or other officer authorized by law to take depositions, at the following time and location indicated:

Gerard Yupp

9:00 a.m., Thursday, October 20, 2005  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

This deposition will be held by telephone "meet me" conference call. Please call the following number **850-921-2560** or **Suncom 291-2560** at 9:00 a.m. until 10:50 a.m. to participate. Beginning at 11:15 a.m. there will be a different "meet me" number of **850-488-7483** or **Suncom 278-7483** for call in participation. The court reporter and Commission counsel will be at the following location:

CMP \_\_\_\_\_ Florida Public Service Commission  
COM \_\_\_\_\_ Gerald L. Gunter Building, Room 362  
CTR   1   2540 Shumard Oak Boulevard  
ECR \_\_\_\_\_ Tallahassee, Florida 32399-0863

GCL \_\_\_\_\_ Any witness who elects to be deposed telephonically must have at their location a Notary Public to administer the Oath to the witness.  
OPC \_\_\_\_\_

RCA \_\_\_\_\_ Please bring with you copies of all the work papers or other materials used by you in the preparation of any testimony filed in this docket or used by you in the preparation of any responses to staff's discovery requests in this docket.  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_

SEC   1    
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

09991 OCT 17 05

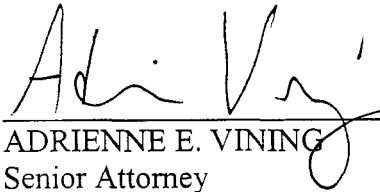
FPSC-COMMISSION CLERK

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This telephonic 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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

Please govern yourselves accordingly.



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ADRIENNE E. VINING  
Senior Attorney  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
(850) 413-6183

CERTIFICATE OF OATH

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, the undersigned authority, certify that \_\_\_\_\_  
personally appeared before me at \_\_\_\_\_ and was duly sworn by  
me to tell the truth.

WITNESS my hand and official seal in the City of \_\_\_\_\_, County of  
\_\_\_\_\_, State of \_\_\_\_\_, this day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

State of \_\_\_\_\_

Personally known \_\_\_\_\_ OR produced identification \_\_\_\_\_.

Type of identification produced \_\_\_\_\_.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Telephonic

Deposition of Gerard Yupp has been furnished to the following this 17<sup>th</sup> day of October, 2005:

Beggs & Lane Law Firm  
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CERTIFICATE OF SERVICE  
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Lt. Colonel Karen White/Major Craig Paulson  
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