

ORIGINAL

Timolyn Henry

From: Tim Perry [tperry@mac-law.com]
 Sent: Wednesday, October 19, 2005 4:38 PM
 To: Filings@psc.state.fl.us
 Cc: JWM -- John McWhirter; tperry@mac-law.com
 Subject: Docket No. 050001-EI
 Attachments: Cross-Notice of Telephonic Deposition - Yupp - 10-19-05.doc

1. Timothy J. Perry, McWhirter Reeves, 117 S. Gadsden Street, Tallahassee, FL 32301, (850) 222-2525, tperry@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 050001-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 4; and
5. The attached MS Word document is the The Florida Industrial Power Users Group's Cross-Notice of Telephonic Deposition of Gerard Yupp.

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FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 050001-EI
Filed: October 19, 2005

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
CROSS-NOTICE OF TELEPHONIC DEPOSITION OF GERARD YUPP**

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 Florida Industrial Power Users Group 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:

Florida Public Service Commission
Gerald L. Gunter Building, Room 362
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863

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

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.

Please govern yourselves accordingly.

s/ Timothy J. Perry

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Attorneys for The Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing The Florida Industrial Power Users Cross-Notice of Telephonic Deposition of Gerard Yupp has been furnished by electronic Mail and U.S. Mail this 19th day of October 2005, to the following:

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s/ Timothy J. Perry
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