

ORIGINAL

Timolyn Henry

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Thursday, October 20, 2005 3:35 PM
To: Filings@psc.state.fl.us
Cc: Adrienne Vining; Bill_Walker@fpl.com; CHRISTENSEN.PATTY; gperko@hgslaw.com; james.mcgee@pgnmail.com; JAS@beggslane.com; jmcwhirter@mac-law.com; jmoylejr@moylelaw.com; john.butler@steelhector.com; Jennifer Rodan; lwillis@ausley.com; mark_hoffmann@csx.com; Norman Horton; RegDept@Tecoenergy.com; schef@landersandparsons.com; sdriteno@southernco.com; southflorida@fpuc.com; tompsi@aol.com; tperry@mac-law.com; Wade_Litchfield@fpl.com

Attachments: Notice of Cross-Deposition.doc

On behalf of Patricia A. Christensen, Office of Public Counsel
 111 W. Madison Street, Room 812
 Tallahassee, FL 32399-1400
 Email: Christensen.patty@leg.state.fl.us
 Phone: (850) 488-9330
 Fax: (850) 488-4491

1. This filing is to be made in Docket Number: 050001-EI, In Re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor
2. Attached for filing on behalf of Office of Public Counsel is a Notice of Cross-Deposition
3. There are a total of three (4) pages for filing

Phyllis W. Davis

CMP _____
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DOCUMENT NUMBER-DATE

10209 OCT 20 05

FPSC-COMMISSION CLERK

10/20/2005

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 20, 2005

**CROSS-NOTICE OF DEPOSITIONS OF WILLIAM SMOTHERMAN
AND JOANN WEHLE**

TO: Lee L. Willis, Esquire
James D. Beasley, Esquire
Ausley & McMullen Law Firm
P. O. Box 391
Tallahassee, FL 32302

NOTICE is hereby given that the Office of Public Counsel will take the depositions of the following named individuals upon oral examination before an official court reporter or other officer authorized by law to take depositions, at the following location and time indicated:

William Smotherman

10:00 a.m., Friday, October 21, 2005
Florida Public Service Commission
Gerald L. Gunter Building, Room 154
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863

Joann Wehle*

*The exact starting time of Ms. Wehle's deposition will be determined at the conclusion of the deposition of Mr. Smotherman.

upon oral examination before an official court reporter or other officer authorized by law to take depositions. The oral examination will continue from day to day until completed.

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 case or used by you in the preparation of any responses to the Office of Public Counsel's discovery requests in this docket.

These depositions are 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/Patricia A. Christensen
Patricia A. Christensen
Associate Public Counsel

Office of Public Counsel
111 W. 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
DOCKET NO. 050001-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Cross-Notice of Deposition has been furnished by electronic mail and U.S. Mail to the following parties on this 20th day of October, 2005:

Jennifer Rodan
Adrienne Vining
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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Moyle Law Firm
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Tallahassee, FL 32301

James Beasley
Lee Willis
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James A. McGee
Progress Energy Florida, Inc.
100 Central Avenue, Suite 1D
St. Petersburg, FL 33701-3324

Susan D. Ritenour
Richard McMillan
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One Energy Place
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Cheryl Martin
Florida Public Utilities Company
P.O. Box 3395
West Palm Beach, FL 33402-3395

Michael B. Twomey
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Tallahassee, FL 32314-5256

s/ Patricia A. Christensen
Patricia A. Christensen
Associate Public Counsel