

Matilda Sanders

From: Dana Greene [DanaG@hgslaw.com]
 Sent: Friday, December 15, 2006 1:47 PM
 To: Filings@psc.state.fl.us
 Cc: ljacobs50@comcast.net; sbrownless@comcast.net; barmstrong@ngn-tally.com; psimms@nrdc.org; Jennifer Brubaker; Katherine Fleming; brett@wildlaw.org; jeanne@wildlaw.org
 Subject: Docket 060635-EU

ORIGINAL

Attachments: Docket 060635 - Notice of Taking Deposition - Stephen Smith.pdf

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 SEC 1
 OTH _____



Docket
 060635 - Notice of
 Electronic Filing

a. Person responsible for this electronic filing:

Carolyn S. Raepple
 Hopping Green & Sams, P.A.
 123 S. Calhoun Street
 Tallahassee, FL 32301
 850-425-2346
 CRAepple@hgslaw.com

b. Docket No. 060635-EU

In re: Petition To Determine Need For an Electrical Power Plant in Taylor County

c. Document being filed on behalf of Florida Municipal Power Agency, JEA, Reedy Creek Improvement District and City of Tallahassee

d. There are a total of 4 pages.

e. The document attached for electronic filing is Florida Municipal Power Agency, JEA, Reedy Creek Improvement District and City of Tallahassee's Notice of Telephonic Deposition Duces Tecum

Thank you for your cooperation.

Dana Greene, Legal Assistant to
 William H. Green, Gary V. Perko & Virginia C. Dailey Hopping Green & Sams, P.A.
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DOCUMENT NUMBER-DATE
 11478 DEC 15 06
 FPSC-COMMISSION CLERK

In re: Petition To Determine Need For an Electrical Power Plant in Taylor County by Florida Municipal Power Agency, JEA, Reedy Creek Improvement District and City of Tallahassee.

DOCKET NO. 060635-EU

DATED: December 15, 2006

FLORIDA MUNICIPAL POWER AGENCY, JEA, REEDY CREEK IMPROVEMENT DISTRICT AND CITY OF TALLAHASSEE'S NOTICE OF TELEPHONIC DEPOSITION DUCES TECUM

Florida Municipal Power Agency, JEA, Reedy Creek Improvement District and City of Tallahassee, pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.310, Florida Rules of Civil Procedure, hereby serve notice that they will take the telephonic deposition of the following at the date, time and location indicated below:

| <u>NAME</u> | <u>DATE AND TIME</u> | <u>LOCATION</u> |
|------------------|--|--|
| Stephen A. Smith | Thursday, December 21, 2006 1:30 p.m. | <u>Witness and Court Reporter</u> Gibson Court Reporting 606 W. Main St., Suite 100 Knoxville, TN 37901 Call in: 888/508-8513 Conference ID: 210243 |
| | | <u>All Counsel:</u> Via Telephone at 888/508-8513 Conference ID: 210243 |

The deposition will be taken upon oral examination before an officer authorized by law to administer oaths and will continue from day-to-day until complete. The deposition is being taken for discovery, for use at the hearing in this matter, and any other purposes permissible under Florida law.

PLEASE TAKE NOTICE: This deposition is being taken duces tecum, requiring the deponent to bring with him to the deposition the following documents:

DOCUMENT NUMBER-DATE

11478 DEC 15 06

FPSC-COMMISSION CLERK

1. All documents that the deponent referenced, consulted or relied upon in preparing testimony for this proceeding.
2. A copy of each article or report written or published by and/or written testimony submitted by the deponent from January 1, 2003 to the present.
3. A copy of the deponent's current resume or curriculum vitae.

By agreement of counsel, the deposition will be continued to allow the undersigned to review documents produced and determine if further inquiry is required. Such determination shall be made within 5 working days of receipt of these documents by the undersigned. For purposes of producing the documents which are the subject of this Notice of Telephonic Deposition Duces Tecum, the definitions and instruction attached hereto as "Exhibit A" shall apply.

PLEASE GOVERN YOURSELVES ACCORDINGLY

SERVED this 15th day of December, 2006.

//S// Carolyn S. Raepple

Gary V. Perko

Carolyn S. Raepple

Virginia C. Dailey

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Attorneys for Florida Municipal Power Agency, JEA, Reedy Creek Improvement District, and the City of Tallahassee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicants' Notice of Telephonic Deposition Duces Tecum in Docket No. 060635-EU was served upon the following by electronic mail(*) or U.S. Mail(**) on this 15th day of December, 2006:

Brian P. Armstrong, Esq.*
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//S//Carolyn S. Raepple

Attorney

EXHIBIT "A"
DEFINITIONS

1. "Document" includes without limitation the following: any written or graphic matter, and any electronic, photographic, digital or other means of recording, preserving or transmitting data, visual images, sounds, thought or expression, and all tangible things from which information can be processed or transcribed, including, but not limited to, all reports, memoranda, letters, minutes, correspondence, electronic-mail ("email"), notes, notebooks, manuals, books, brochures, lists, publications, computer printouts, printed forms, drawings, sketches, graphs, maps, charts, photographs, films, tapes, computer discs or drives, photo records, receipts, and other writings or data compilations of any kind from which information can be obtained, including drafts, typings, printouts and copies or reproductions which bear notation or are in any way different in content from the original, whether handwritten, printed, or otherwise recorded, that is in the possession, custody or control of the witness. If the documents to be provided are maintained in a computer-readable format, provide a printed copy of the document or other means by which they can be accessed and reviewed by counsel (i.e., if provided on a disc, the documents should be in a readily readable format).
2. "All" includes the word "any" and "any" includes the word "all." "And" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request for production documents that might otherwise be construed to be outside its scope.
3. If it is claimed that a document responsive is privileged as attorney-client communication or attorney work product, or is otherwise protected from disclosure, identify such document and state the nature and basis for any such claim of attorney-client privilege, work product, or other ground for nondisclosure. With respect to all such documents, the term "identify" means to state: (1) the type of document, (2) the author of the document, (3) each individual or other person to whom the original or a copy of the document was sent, (4) the date of the document, and (5) the general subject matter of the document. Any part of a document for which you do not claim attorney-client privilege or work product protection should be produced.