

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of Underground)
Conversion Tariff Revisions.)
_____)

Docket No. 080244-EI

In re: Petition for approval of 2007)
revisions to underground residential and)
commercial distribution tariff,)
by Florida Power & Light Company. _____)

Docket No. 070231-EI
Filed: April 30, 2009

FLORIDA POWER & LIGHT COMPANY'S
NOTICE OF TAKING TELEPHONIC DEPOSITION, DUCES TECUM
OF LLOYD D. SHANK, JR.

TO: Robert Scheffel Wright, Esq.
Young van Assenderp, P.A.
225 South Adams St., Ste 200
Tallahassee, FL 32301

PLEASE TAKE NOTE THAT, PURSUANT TO Florida Rule of Civil Procedure 1.310, Florida Power & Light Company ("FPL") will take the telephonic deposition upon oral examination of LLOYD D. SHANK, JR. The witness should bring with him all documents on the attached schedule. The foregoing deposition will take place on **Friday, May 8, 2009, beginning at 9:00 a.m.**, before a court reporter, a Notary Public or some other officer authorized by law to take depositions. **Since the deposition will be taken by telephone, please have a Notary Public available to swear in the witness.** Witness and Counsel may participate telephonically. A dial-in number for all parties will be provided by separate e-mail. Parties may also appear in person.

The deposition will take place at the following location:

Florida Power & Light Company
700 Universe Boulevard
Room E2304
Juno Beach, FL 33408

This 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 and the Rules of the Florida Public Service Commission.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact John T. Butler, Esq., at (561) 304-5639. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

Respectfully submitted,

John T. Butler
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: /s/ John T. Butler
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket Nos. 080244-EI and 070231-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served by electronic delivery on the 30th day of April, 2009, to the following persons:

Ralph Jaeger
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
rjaeger@psc.state.fl.us
esayler@psc.state.fl.us

Robert Scheffel Wright
Jay T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street
Suite 200
Tallahassee, Florida 32301
Email: swright@yvlaw.net
jlavia@yvlaw.net

Brian P. Armstrong, Esq.
David G. Tucker
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive
Suite 200
Tallahassee, Florida 32308
Telephone: (850) 224-4070
Facsimile: (850) 224-4073
dtucker@ngnlaw.com
barmstrong@ngnlaw.com

Scott E. Simpson, Esq.
Korey, Sweet, McKinnon, Simpson
and Vukelja
Granada Oaks Professional Building
595 West Granada Boulevard, Suite A
Ormond Beach, FL 32174-9448
Telephone: (386) 677-3431
Facsimile: (386) 673-0748
simpson66@bellsouth.net

MUUC/City of Coconut Creek
Thomas G. Bradford, Deputy Town Mgr
c/o Town of Palm Beach, Florida
360 South County Road
Palm Beach, FL 33480
Telephone: (561) 838-5410
Facsimile: (561) 838-5411
Tbradford@TownofPalmBeach.com

City of South Daytona
Joseph W. Yarbrough
P.O. Box 214960
South Daytona, FL 32121
Telephone: (386) 322-3010
Facsimile: (386) 322-3008
jyarbrough@southdaytona.org

By: /s/ John T. Butler
John T. Butler
Fla. Bar No. 283479

cc: Esquire Deposition Services
515 N. Flagler Drive
West Palm Beach, FL 33401
Ofc: 561-659-4155
Fax: 866-660-8201

SCHEDULE "A"
DUCES TECUM

Provide all materials reviewed and relied upon by each witness in conjunction with the formation of his opinions, testimony and exhibits, along with any and all materials generated by each witness, including but not limited to the following:

- Provide all source documents and work papers for each of the numbers shown in Exhibit PJR-3, Table C-1.
- Provide full detailed calculations for each of the "CIAC Credit" amounts shown in Exhibit PJR-3, Tables C-2 through C-10.
 - To the extent necessary (i.e., not evident from the calculations provided), provide explanations of the methodology and logic for each calculation.
 - Provide any underlying assumptions (e.g., escalation factors, etc.) used in the calculations.
 - Provide all source documents supporting the underlying assumptions.
- Provide quantitative support of the relationship between underground and overhead material and equipment and the life-cycle differential costs (pages 16 and 17).
- Provide empirical support for the statement that "...life-cycle costs for OH will go up since many of the hardened facilities will cost more to maintain." (page 17, lines 19-21)
- Provide empirical evidence of the relationship of the age of facilities and effects on the life-cycle differential costs (page 31, lines 1-10 and various other locations).

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 _____, 2008.

By: _____

Notary Public

State of: _____

Personally known _____ OR produced identification _____

Type of Identification produced: _____