

BEFORE THE PUBLIC SERVICE COMMISSION

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 5, 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:

NAME

Hale Powell

DATE AND TIME

December 12, 2006
1:30 p.m.

LOCATION

Witness & Court Reporter:
Westford Regency Inn &
Conference Center
Amherst Board Room
219 Littleton Road
Westford, MA 01886

All Counsel:

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:

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 to any court, administrative hearing or regulatory agency from January 1, 2003 to the present.

The undersigned requests Counsel for Sierra to provide, to the extent possible, the above documents to undersigned counsel by e-mail, fax, overnight delivery or other means for receipt on or before December 11, 2006. 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

Attorneys for PROGRESS ENERGY FLORIDA, INC.

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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 5th day of December, 2006:

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//S//Carolyn S. Raeppe
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.