

Timolyn Henry

From: Elizabeth_Carrero@fpl.com
Sent: Thursday, March 24, 2005 12:56 PM
To: Filings@psc.state.fl.us
Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; John_Hepokoski@fpl.com;
Lynne_Adams@fpl.com; Nanci_Nesmith@fpl.com; Bill_Feaster@fpl.com;
Sabrina_Spradley@fpl.com
Subject: Electronic Filing for Docket No. 041291-EI/ FPL's Notice of Taking Deposition Duces Tecum of James A. Rothschild

Attachments: Notice of Depo of OPC-Rothschild.doc



Notice of Depo
f OPC-Rothschild

Electronic Filing

a. Person responsible for this electronic filing:

Natalie F. Smith, Attorney
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408
(561) 691-7207
natalie_smith@fpl.com

b. Docket No. 041291-EI

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 5 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Taking Deposition Duces Tecum of James A. Rothschild.

(See attached file: Notice of Depo of OPC-Rothschild.doc)

Thank you for your attention and cooperation to this request.

Elizabeth Carrero, Legal Asst
Wade Litchfield, Esq. and Natalie Smith, Esq.
Phone: 561-691-7100
Fax: 561-691-7135
email: elizabeth_carrero@fpl.com

CMP _____
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SEC 1 _____
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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.) Docket No. 041291-EI)
)
)
) Filed: March 24, 2005

NOTICE OF TAKING DEPOSITION DUCES TECUM

TO: Harold McLean, Esq.
Patricia A. Christensen, Esq.
Joseph A. McGlothlin, Esq.
Office of Public Counsel
The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

FROM: R. Wade Litchfield, Esq.
Natalie F. Smith, Esq.
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408

Kenneth A. Hoffman, Esq.
Rutledge, Ecenia, Purnell
& Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32302

PLEASE TAKE NOTICE THAT pursuant to Rule 1.310, Florida Rules of Civil Procedure, on **Friday, April 15, 2005, at 8:00 a.m.**, at the offices of **Florida Power & Light Company, Media Conference Room, Building A, 700 Universe Boulevard, Juno Beach, Florida 33408**, the undersigned will take the deposition of **James A. Rothschild** before a court reporter, notary public, or some other officer duly authorized to take depositions in the State of Florida. This deposition is being taken for such reasons as are permitted under the applicable and governing Rules of Civil Procedure and Florida Statutes, and will continue from day-to-day until complete.

The limited agreement of the parties to extend the discovery cutoff date in the Order Establishing Procedure, PSC-04-1150-PCO-EI, for the purpose of conducting this deposition shall not be construed as a general extension of such cutoff date.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact Natalie Smith, Esq. at (561) 691-7207. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

On agreement of counsel, the deponent(s) shall bring to this deposition copies of documents as set forth below.

DEFINITIONS

1. “You” or “your” means and refers to James A. Rothschild, Rothschild Financial Consulting and any affiliated entities, employees, agents, officers and managers, including, but not limited to, the deponent(s). “You” or “your” also means and refers to the Florida Office of Public Counsel and its employees, agents, officers and managers.

2. “Document or documents” means “documents” as defined in Rule 1.350 of the Florida Rules of Civil Procedure. In addition, the words “document” or “documents” shall mean any writing, recording, computer-stored information, or photograph in your possession, custody, care or control, which pertain directly or indirectly, in whole or in part, to any of the subjects listed below, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, e-mails, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, computer discs, microfilms, video tapes, or tape recordings.

3 “FPSC” means Florida Public Service Commission.

4. “All” means all or any.

5. The singular of any word contained herein shall include the plural and vice versa; the terms “and” and “or” shall be both conjunctive and disjunctive; and the term “including” means “including without limitation.”

INSTRUCTIONS

6. **Scope of Deposition Duces Tecum.** In appearing for this Deposition Duces Tecum, produce all responsive documents, including any and all non-identical copies of each such document.

7. **Manner of Objections and Inability to Respond.** If you object to a part of a request and refuse to respond to that part, state your objection and answer the remaining portion of that request. If you object to the scope of a request and refuse to produce documents for that scope, state your objection and produce documents for the scope you believe is appropriate.

8. If any of the requests cannot be responded to in full after exercising due diligence to secure the requested documents, please so state and respond and produce documents to the extent possible, specifying your inability to respond further. If your response or production is qualified or limited in any particular way, please set forth the details and specifics of such qualification or limitation.

9. **Privileged Information or Documents.** In the event you wish to assert attorney/client privilege or the work product doctrine, or both, or any other claim of privilege, then as to such documents allegedly subject to such asserted privileges, you are requested to supply an identification of such documents, in writing, with sufficient specificity to permit the Prehearing Officer or Commission to reach a determination in the event of a motion to compel as to the applicability of the asserted objection, together with an indication of the basis for the assertion of the claim of attorney/client privilege or the work product doctrine, or any other claim

of privilege. The identification called for by this instruction shall include the nature of the document (e.g., interoffice memoranda, correspondence, report, etc.), the sender or author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list associated with such document, and a summary statement of the subject matter of the document in sufficient detail to permit the Court to reach a determination in the event of a motion to compel.

10. Computer-Generated Documents. If a requested document is on computer or word processing disc or tape, produce an electronic copy of the document and a printout of the document.

11. Organization of Documents. With respect to the documents produced, you shall produce them as they are kept in the usual course of business, labeling them to correspond with each numbered paragraph of this Request in response to which such documents are produced. All pages now stapled or fastened together and all documents that cannot be copied legibly should be produced in their original form.

DOCUMENTS REQUESTED

1. Any and all documents you relied on in preparing the testimony of James A. Rothschild, filed in FPSC Docket No. 041291-EI.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic mail to the above named addressees on March 24, 2005.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

By: s/Natalie F. Smith
R. Wade Litchfield
Natalie F. Smith
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice of Taking Deposition Duces Tecum, has been furnished electronically and by United States Mail this 24th day of March, 2005, to the following:

Wm. Cochran Keating, IV, Esq.
Katherine E. Fleming, Esq.
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Harold McLean, Esq.
Patricia A. Christensen, Esq.
Joseph A. McGlothlin, Esq.
Office of Public Counsel
The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

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Group

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117 South Gadsden Street
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Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256
Attorney for Thomas P. Twomey and
Genevieve E. Twomey

Robert Scheffel Wright, Esq.*
John T. LaVia, III, Esq.
Landers & Parsons, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302
Attorneys for The Florida Retail Federation

By: s/Natalie F. Smith
Natalie F. Smith, Esq.
Fla. Bar No. 470200

* Not an official party of record as of the date this Notice is being filed.