

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of two unit power sales agreements with Southern Company Services, Inc. for purposes of cost recovery through capacity and fuel cost recovery clauses, by Progress Energy Florida, Inc.

DOCKET NO. 041393-EI

DATED: May 17, 2005

**PROGRESS ENERGY FLORIDA, INC.'S NOTICE OF TAKING
TELEPHONIC DEPOSITION DUCES TECUM**

PROGRESS ENERGY FLORIDA, INC. ("PEF"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.310, Florida Rules of Civil Procedure, hereby serves notice that it 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>
Maurice Brubaker	Wednesday, May 18, 2005 1:00 p.m. (CDT)	Brubaker & Associates, Inc. 1215 Fern Ridge Parkway Suite 208 St. Louis, MO 63141-2000 Phone: (314) 275-7007

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 the testimony and exhibits the witness has submitted in this proceeding.

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 17th day of May, 2005.

HOPPING GREEN & SAMS, P.A.


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Attorneys for PROGRESS ENERGY FLORIDA, INC.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing notice of taking telephonic deposition duces tecum have been provided by e-mail and by U.S. Mail, postage pre-paid, on May 11, 2005, to the following:

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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 ("e-mail"), 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 hand written, printed, or otherwise recorded, that is in the possession, custody or control of White Springs. 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 PEF's 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.