

Ruth Nettles

From: Rhonda Dulgar [rdulgar@yvlaw.net]
Sent: Monday, May 18, 2009 3:41 PM
To: John T. Butler; Ken Rubin; Ken Hoffman; R. Wade Litchfield; Erik Sayler; Filings@psc.state.fl.us; Ralph Jaeger; Schef Wright
Subject: Electronic Filing - 080244-EI
Attachments: 080244.NoticeofDepo.ThomasKoch.5-18-09.pdf

a. Person responsible for this electronic filing:

Robert Scheffel Wright
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301
(850) 222-7206
swright@yvlaw.net

b. 080244-EI

In Re: Petition for Approval of Underground Conversion Tariff Revisions by Florida Power & Light Company.

c. Document being filed on behalf of the Municipal Underground Utilities Consortium.

d. There are a total of 5 pages.

e. The document attached for electronic filing is The Municipal Underground Utilities Consortium, et al's Notice of Taking Telephonic Deposition, Duces Tecum of Thomas R. Koch.

(see attached file: 080244.NoticeofDepo.ThomasKoch.5-18-09.pdf)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar
Secretary to Schef Wright
Phone: 850-222-7206
FAX: 850-561-6834

DOCUMENT NO. DATE
01877-09 05/18/09
FPSC - COMMISSION CLERK

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: May 18, 2009

THE MUNICIPAL UNDERGROUND UTILITIES CONSORTIUM, ET AL.,
NOTICE OF TAKING TELEPHONIC DEPOSITION, DUCES TECUM
OF THOMAS R. KOCH

TO: John T. Butler, Esquire
Kenneth M. Rubin, Esquire
Law Department
Florida Power & Light Company]
700 Universe Boulevard
Juno Beach, Florida 33408

PLEASE TAKE NOTE THAT, PURSUANT TO Florida Rule of Civil Procedure 1.310, the Municipal Underground Utilities Consortium ("MUUC") will take the telephonic deposition upon oral examination of THOMAS R. KOCH. The witness should bring with him all documents on the attached schedule. The foregoing deposition will take place on **Wednesday, May 27, 2009, beginning at 10:00 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.

DOCUMENT NO. DATE

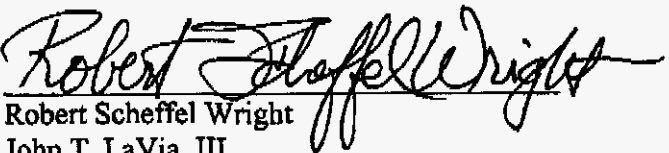
04877-09 05/18/09
FPSC - COMMISSION CLERK

Law Offices of Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301

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 Rhonda Dulgar or Robert Scheffel Wright, Esquire, at (850) 222-7206. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

Respectfully submitted,



Robert Scheffel Wright
John T. LaVia, III
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Facsimile (850)561-6834

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 18th day of May 2009, to the following persons:

Ralph Jaeger, Esquire
Erik Saylor, Esquire
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Florida Public Service Commission
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Tallahassee, Florida 32399-0850
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MUUC/City of Coconut Creek
Thomas G. Bradford, Deputy Town Mgr
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ATTORNEY

cc: Accurate Stenotype Reporters
2894-A Remington Green Lane
Tallahassee, Florida 32308

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 all of Mr. Koch's Exhibits TRK-1 through TRK-11. To the extent that any documents are confidential, e.g., any documents that may support Mr. Koch's Exhibit TRK-10, please provide those in advance to the MUUC's attorneys.
- Provide all source documents that Mr. Koch contends support any and all assumptions reflected in his exhibits and testimony.
- Provide empirical support for the statement at page 13 of Mr. Koch's testimony that "FPL estimates this rebound effect to be about 75% - 85% (depending on customer class)"

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: _____