

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

November 6, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

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COMMISSION
CLERK

Re: Docket No.: 020001-EI

Dear Ms. Bayo:

On behalf of the Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 1 copy of the following:

- ▶ Notice of Taking Deposition.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,



Timothy J. Perry

Robert D. Fagan
DOCUMENT NUMBER - DATE
12214 NOV -6 02
FPSC-COMMISSION CLERK

TJP/bae
Enclosure

AUS _____
CAF _____
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FPSC-BUREAU OF RECORDS

Gordon L. Gillette
DOCUMENT NUMBER - DATE
12213 NOV -6 02
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power
cost recovery clause and
generating performance incentive
factor.

Docket No. 020001-EI

Filed: November 6, 2002

NOTICE OF TAKING DEPOSITION

To: James D. Beasley
Ausley & McMullen
227 South Calhoun Street
Tallahassee, Florida 32301

PLEASE TAKE NOTICE that Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, will take the deposition upon oral examination pursuant to the Florida Rules of Civil Procedure of the following person:

Gordon L. Gillette
Friday November 8, 2002
immediately following the conclusion of the deposition of Robert D. Fagan.

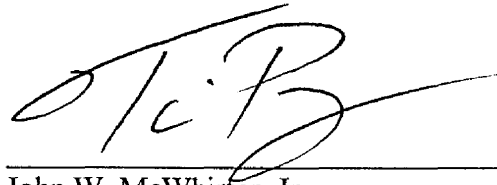
Deponent shall bring with him the following materials:

1. The memorandum of understanding which has been executed for the sale of the gasifier at Polk Unit 1.
2. The transcript of the September 25, 2002 webcast conference with securities analysts.
3. All press releases, including drafts, pertaining to the sale of the gasifier.
4. The proposed or executed operating agreement or memorandum of understanding for the gasifier.
5. The proposed or executed purchase agreement or memorandum of understanding for gas purchases.
6. All analyses performed with respect to the prospective cost of fuel to be purchased from the buyer of the gasifier.
7. The original and current rate base calculations for the gasifier investment.
8. The depreciation expense charged to the gasifier since it went into commercial operation.
9. The work papers used in Docket No. 910883-EI to document prospective fuel

- savings to consumers of \$195 million over the life of the gasifier.
10. Projections of changes in the fuel cost recovery factor in 2003 due to the sale of the gasifier.
 11. Any and all documents discussing or projecting when the gasifier sale will be consummated.

The deposition will be held at the offices of McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman & Arnold, P.A., 400 North Tampa Street, Suite 2450, Tampa, Florida 33602 and will be conducted before an authorized officer in accordance with the Florida Rules of Civil Procedure. Said deposition will continue from day-to-day until finished.

This deposition is being taken for purposes of discovery, for use at trial, or for any other purposes allowed under the Florida Rules of Civil Procedure.



John W. McWhirter, Jr.
McWhirter Reeves McGlothlin Davidson
Decker Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33601-3350

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Davidson
Decker Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301

Attorneys for the Florida Industrial
Power Users Group

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Docket No. 020001-EI)
Fuel and purchased power cost recovery)
clause with generating performance)
incentive factor.)
_____)

SUBPOENA DUCES TECUM
FOR DEPOSITION

THE STATE OF FLORIDA

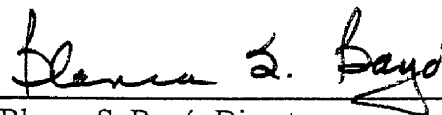
TO: Mr. Gordon L. Gillette, TECO Energy, 702 North Franklin Street, Tampa, Florida 33602

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, and Arnold, P.A., 400 North Tampa Street, Suite 2450, Tampa, Florida 33602, on November 8, 2002, to begin immediately following the conclusion of the deposition of Mr. Robert D. Fagan, to testify in this action, and to have with you at that time and place the following:

1. The memorandum of understanding which has been executed for the sale of the gasifier at Polk Unit 1.
2. The transcript of the September 25, 2002 webcast conference with securities analysts.
3. All press releases, including drafts, pertaining to the sale of the gasifier.
4. The proposed or executed operating agreement or memorandum of understanding for the gasifier.
5. The proposed or executed purchase agreement or memorandum of understanding for gas purchases.
6. All analyses performed with respect to the prospective cost of fuel to be purchased from the buyer of the gasifier.
7. The original and current rate base calculations for the gasifier investment.
8. The depreciation expense charged to the gasifier since it went into commercial operation.
9. The work papers used in Docket No. 910883-EI to document prospective fuel savings to consumers of \$195 million over the life of the gasifier.
10. Projections of changes in the fuel cost recovery factor in 2003 due to the sale of the gasifier.
11. Any and all documents discussing or projecting when the gasifier sale will be consummated.

YOU ARE SUBPOENAED to appear by the following attorney(s) and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on November 6, 2002.



Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission

(S E A L)

Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, and Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Attorney for Florida Industrial Power Users Group

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Notice of Taking Deposition has been furnished by (*) hand delivery, or U.S. Mail this 6th day of November 2002, to the following:

(*)Wm. Cochran Keating IV
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

John Butler
Steel Hector & Davis LLP
200 S. Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398

Jeffrey A. Stone
Beggs & Lane
Post Office Box 12950
Pensacola, Florida 32591


Norman H. Horton
Messer, Caparello & Self
215 South Monroe Street
Suite 701
Tallahassee, Florida 32302

Rob Vandiver
Office of the Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399

(*)James D. Beasley
Ausley & McMullen
227 S. Calhoun Street
Tallahassee, Florida 32302

James A. McGee
100 Central Avenue, Suite CX1D
St. Petersburg, Florida 33701

John T. English
Florida Public Utilities Company
Post Office Box 3395
West Palm Beach, Florida 33402



Timothy J. Perry