

ORIGINAL

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JOHNNIE BYRD
Speaker



Patricia A. Christensen
Associate Public Counsel

October 21, 2004

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED-FPSC
04 OCT 22 PM 3:13
COMMISSION
CLERK

RE: Docket No. 040001-EI

Dear Ms. Bayó:

Enclosed please find an original and three copies of a Notice of Deposition for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Patricia A. Christensen
Associate Public Counsel

CMP _____
COM _____
CTR 1 _____
ECR _____
GCL PC/pd _____
OPC cc: _____
MMS _____
RCA _____
SCR _____
SEC 1 _____
OTH _____

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DOCUMENT NUMBER-DATE

11453 OCT 22 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 040001-EI
FILED: October 21, 2004

NOTICE OF DEPOSITION

TO: James A. McGee
Progress Energy Service Co., LLC
P. O. Box 14042
St. Petersburg, FL 33733-4042

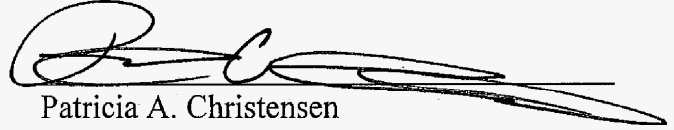
NOTICE is hereby given that Patricia A. Christensen of the Office of Public Counsel will take the panel depositions of Donna Davis and Javier Portuondo, upon oral examination before an official court reporter or other officer authorized by law to take depositions, at the following time and location indicated:

Tuesday, October 26, 2004, 10:00 a.m. EST*
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

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 and the Rules of the Florida Public Service Commission.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia A. Christensen', with a long, sweeping horizontal line extending to the right.

Patricia A. Christensen
Associate Public Counsel

Office of Public Counsel
111 W. Madison Street, Room 812
c/o The Florida Legislature
Tallahassee, FL 32399-0850

(850) 488-9330

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 040001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and/or facsimile on this 21st day of October, 2004, to the following:

William (Cochran) Keating
Jennifer Rodan
Adrienne Vining
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ausley Law Firm
Lee Willis/James Beasley
P.O. Box 391
Tallahassee, FL 32302

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders
P.O. Box 12950
Pensacola, FL 32591-2950

Florida Industrial Power Users Group (McWhirter)
c/o John W. McWhirter, Jr.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Florida Power & Light Company
Mr. Bill Walker
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859

Florida Power & Light Company
R. Wade Litchfield, Esq.
700 Universe Blvd.
Juno Beach, FL 33408-0420

Florida Public Utilities Company
John T. English/George Bachman
P. O. Box 3395
West Palm Beach, FL 33402-3395

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780

Joe Regnery, Esq.
Island Center
2701 North Rocky Point Drive
Suite 1200
Tampa, FL 33607

McWhirter Law Firm
Vicki Kaufman/Joseph McGlothlin
117 S. Gadsden St.
Tallahassee, FL 32301

Messer Law Firm
Norman H. Horton, Jr./Floyd Self
P.O. Box 1876
Tallahassee, FL 32302-1876

Moyle Law Firm
Jon C. Moyle/Bill Hollimon
118 N. Gadsden Street
Tallahassee, FL 32301

Power Systems Mfg., LLC
1440 W. Indiantown Road, Suite 200
Jupiter, FL 33458

Progress Energy Florida, Inc.
Ms. Bonnie E. Davis
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

Steel Law Firm (Miami)
John T. Butler
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398

Tampa Electric Company
Ms. Angela Llewellyn
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

Thomas K. Churbuck
911 Tamarind Way
Boca Raton, FL 33486

A handwritten signature in black ink, appearing to read 'Patricia A. Christensen', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Patricia A. Christensen
Associate Public Counsel