

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's	)	Docket No. 070098-EI
Petition to Determine Need for FPL Glades	)	
Power Park Units 1 and 2 Electrical Power Plant	)	
_____	)	Dated: March 13, 2007
	)	

**NOTICE OF TAKING TELEPHONIC DEPOSITION DUCES TECUM**

TO: Michael Gross, Esquire  
Earthjustice  
PO Box 1329  
Tallahassee, FL 32302

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

PLEASE TAKE NOTICE THAT pursuant to Rule 1.310, Florida Rules of Civil Procedure, on **Wednesday, March 21, 2007, at 9:00 a.m., at the offices of Synapse Energy Economics, Inc., 22 Pearl Street, Cambridge, Mass. 02139**, the undersigned will take the deposition of **David A. Schlissel by telephone conference** before Esquire Court Reporting, notary public, or some other officer duly authorized to take depositions in the State of Massachusetts. A dial-in number for this deposition will be provided by FPL. 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.

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact R. Wade Litchfield, Esquire, at (561) 691-7101. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

The deponent(s) shall bring to this deposition copies of documents as set forth below.

## **DEFINITIONS**

1. “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.

2. “FPSC” means Florida Public Service Commission.

3. “Related to” shall mean contain, discussed, described, addressed or referred to.

4. “Testimony” shall mean testimony filed by Earthjustice on behalf of The Sierra Club, Inc., Save Our Creeks, Florida Wildlife Federation, Environmental Confederation of Southwest Florida, Ellen Peterson in Docket No. 070098-EI.

5. “All” means all or any.

6. 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**

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

16. 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. All documents or work papers related to, relied upon, or referred to in preparation of your pre-filed testimony in FPSC Docket No. 070098-EI.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by Electronic Mail and by United States Mail to the above named addressees on March 13, 2007.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

R. Wade Litchfield, Esq.  
Bryan S. Anderson, Esq.  
Natalie F. Smith, Esq.  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: 561-691-7100  
Facsimile: 561-691-7135

Attorneys for Florida Power & Light  
Company

By: s/Natalie F. Smith  
NATALIE F. SMITH

cc: Esquire Reporting Service

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Notice of Taking Telephonic Deposition Duces Tecum has been served by electronic mail and by United States Mail this 13th day of March, 2007, to the following:

Lorena A. Holley, Esquire  
Jennifer Brubaker, Esquire  
Katherine Fleming, Esquire  
Florida Public Service Commission  
Gerald L. Gunter Building  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Charles Beck, Esquire  
Office of Public Counsel  
111 W. Madison St., Suite 812  
Tallahassee, FL 32399-1400

Michael Gross, Esquire  
Earthjustice  
PO Box 1329  
Tallahassee, FL 32302

By: s/Natalie F. Smith  
NATALIE F. SMITH