

**Ruth Nettles**

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**From:** Jaymee Mitchell [jmittell@asglegal.com]  
**Sent:** Thursday, November 13, 2008 4:01 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** jbeasley@ausley.com; kelly.jr@leg.state.fl.us; Keino Young; christensen.patty@leg.state.fl.us; Vicki Kaufman; Jon Moyle; lwillis@ausley.com; regdept@tecoenergy.com; jmcwhirter@mac-law.com; miketwomey@talstar.com; cecilia.bradley@myfloridalegal.com; swright@yvlaw.net  
**Subject:** Docket No. 080317-EI  
**Attachments:** FIPUG's Notice of Deposition Duces Tecum 11-13-08.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:

Vicki Gordon Kaufman  
Anchors Smith Grimsley  
118 North Gadsden Street  
Tallahassee, FL 32301  
(850) 681-3828  
[vkaufman@asglegal.com](mailto:vkaufman@asglegal.com)

- b. This filing is made in Docket No. 080317-EI, In re: Petition for rate increase by Tampa Electric Company.
- c. The document is filed on behalf of Florida Industrial Power Users Group.
- d. The total pages in the document is 7 page(s).
- a. The attached document is Notice of Deposition Duces Tecum.

**Jaymee Mitchell**

[jmittell@asglegal.com](mailto:jmittell@asglegal.com)



**ANCHORS SMITH GRIMSLEY**

Anchors Smith Grimsley  
The Perkins House  
118 N. Gadsden St.  
Tallahassee, FL 32301  
850-681-3828 (Voice)  
850-681-8788 (Fax)

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DOCUMENT NUMBER-DATE

10597 NOV 13 08

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Tampa  
Electric Company.

DOCKET NO. 080317-EI

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**NOTICE OF DEPOSITION DUCES TECUM**

TO: Doug Driggers  
c/o Lee L. Willis, Esquire  
Ausley & McMullen, P.A.  
227 South Calhoun Street  
Tallahassee, Florida 32301

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at the offices of The Merlin Law Group, P.A., 777 South Harbour Island Boulevard, Suite 950, Tampa, Florida 33602, on Tuesday, November 18, 2008 at 8:30 a.m. for the taking of your deposition in this action and to have with you at that time and place the following:

1. Please see Schedule "A."

YOU ARE SUBPOENAED to appear before the following attorney and, unless excused from this attorney or by the Court, you shall respond to this subpoena as directed.

IF YOU FAIL TO APPEAR, YOU MAY BE IN CONTEMPT OF COURT.

YOU ARE HEREBY NOTIFIED that the undersigned attorney will take the following deposition, by oral examination of the below-named person, at the time, date and location indicated:

**NOTICE:** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the undersigned attorney within

DOCUMENT NUMBER-DATE

10597 NOV 13 8

FPSC-COMMISSION CLERK

two (2) working days of your receipt of this Notice of Deposition; if you are hearing or voice impaired, call 1-800-955-8771.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE COURT



Vicki Gordon Kaufman  
Jon C. Moyle, Jr.  
Anchors Smith Grimsley  
118 North Gadsden Street  
Tallahassee, FL 32301  
(850) 681-3828 (Voice)  
(850) 681-8788 (Facsimile)  
[vkaufman@asglegal.com](mailto:vkaufman@asglegal.com)  
[jmoyle@asglegal.com](mailto:jmoyle@asglegal.com)

John W. McWhirter, Jr.  
P.O. Box 3350  
Tampa, FL 33601-3350  
(813) 224-0866 (Voice)  
(813) 221-1854 (Facsimile)  
[jmcwhirter@mac-law.com](mailto:jmcwhirter@mac-law.com)

Attorneys for FIPUG

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class United States Mail this 13<sup>th</sup> day of November, 2008, to the following:

Keino Young  
Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Drive  
Tallahassee, FL 32399-0850

J.R. Kelly  
Patricia Christensen  
Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Mike Twomey  
P. O. Box 5256  
Tallahassee, FL 32314-5256

Lee Willis  
James Beasley  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, FL 32302

R. Scheffel Wright  
Young Law Firm  
225 S. Adams Street  
Suite 200  
Tallahassee, FL 32301

Cecilia Bradley  
Office of the Attorney General  
400 S. Monroe St # PL-01  
Tallahassee, Florida 32399-6536

## **SCHEDULE "A"**

### **DEFINITIONS**

A. "You" and "Your" shall mean the party to whom this request is directed including predecessors and successors in interest, all parent, sister, affiliated and subsidiary corporations, all units, offices, division, officers, directors, employees, agents, partners, joint venturers, attorneys, assigns, consultants (including construction managers, engineers and inspectors), independent contractors and other persons acting on behalf or at its direction.

B. "TECO" shall mean Tampa Electric Company, its predecessors and successors in interest, all units, offices, divisions, officers, commissioners, directors, employees, agents, attorneys, assigns, consultants, independent contractors and other persons acting on its behalf or at its direction.

C. "Documents" shall mean written, graphic, electronic, computerized matter or other means of preserving thought or expression and all tangible things from which information can be processed or transcribed including the originals and all non-identical copies, whether by reason of any notation made on such copy or otherwise, whether procured internally or received from some other source including, but not limited to, papers, books, architectural plans, specifications, drawings, blueprints, sketches, feasibility studies, objects, surveys, licenses, permits, permit applications, agreements, ledgers, books of account, computer printouts and other computer materials such as diskettes and C.D. roms, transcripts, analyses, proposals, suggestions, legal pleadings, deeds, mortgages, bills of sale, security agreements, legal documents, vouchers, records of interbank transfers of funds, bank checks, cashier's checks, invoices, drafts, charges

slips, receipts, check stubs, freight bills, bills of lading, working papers or drafts, statistical records, notebooks, calendars, appointment books, time sheets, logs, bids, estimates, job or transaction files, credit reports, notations, notes, sound records of any type, minutes of director's or other meetings, phono-records, notices, instructions, advertisements, work assignments or other articles and treatises, including all attachments and enclosures thereto, correspondence, E-mail, memoranda, notes, messages, letters, telegrams, teletype, telefax, bulletins, notes of meetings or other communications, intraoffice and interoffice telephone calls, diaries, chronological data, minute books, reports, charts, ledgers, invoices, worksheets, receipts, returns, computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, canceled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases, (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind, including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape recordings, motion pictures and electronic mechanical or electric recordings or representations of any kind (including without limitation, tapes, cassettes, discs and recordings) and any electronic media including, but not limited to diskettes, hard drives, and C.D. roms, which contain any of the foregoing.

D. A document "relating", "related", "which relates" to any given subject means any document that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, bears upon, or is in any way pertinent to that subject, including, without limitation, documents concerning the preparation of other documents.

E. A document “concerning”, “concerned”, or “which concerns” any given subject means any document that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, bears upon, or is in any way pertinent to that subject, including, without limitation, documents concerning the preparation of other documents.

F. “Communication” means any transmission, exchange, or making known of information or thoughts by oral, written, pictorial, models, media, diskettes, or any other means, including but not limited to personal conversations, conferences, telephone conversations, memoranda, letters, correspondence, reports and publications, and shall include any means of conveying a message from one or more persons to one or more persons, including electronic mail, and shall be given the broadest possible interpretation.

G. “Person” or “persons” shall include natural persons, individual, proprietorship, partnership, corporation, association, organization, joint venture, firm, other business enterprise, governmental body, group of natural persons or other legal entity.

H. Wherever used herein, the singular shall be deemed to include the plural, and the plural shall be deemed to include the singular; the masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine; the disjunctive (“or”) shall be deemed to include the conjunctive (“and”), and the conjunctive (“and”) shall be deemed to include the disjunctive (“or”); and each of the functional words “each”, “every”, “any”, and “all” shall be deemed to include each of the other functional words.

## **DOCUMENTS REQUESTED**

1. All documents, including emails, regarding Tampa Electric Company's rate case and its impact upon economic development.
2. All information typically provided to a new prospective industrial customer considering relocating into Tampa Electric's service area.