

Ruth Nettles

From: Dana Greene [DanaG@hgslaw.com]
Sent: Tuesday, July 07, 2009 3:33 PM
To: Filings@psc.state.fl.us
Cc: fself@lawfla.com; Martha Brown; John.Butler@fpl.com; Goorland, Scott; Leon, Jack; Gary Perko; Brooke Lewis
Subject: Docket 090172-EI
Attachments: Docket 090172 - Notice of Taking Tele. Depo. Schlesinger.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Gary V. Perko
Hopping Green & Sams, P.A.
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Tallahassee, FL 32301
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b. Docket No. 090172-EI

In re: Petition to Determine Need for FPL EnergySecure Pipeline

c. Document being filed on behalf of Florida Power & Light Company

d. There are a total of 5 pages.

e. The document attached for electronic filing is Notice of Taking Telephonic Deposition Duces Tecum.

Thank you for your cooperation.

Dana Greene, Legal Assistant to
William H. Green & Gary V. Perko
Hopping Green & Sams, P.A.
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Tallahassee, Florida 32314
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DOCUMENT NUMBER-DATE

06809 JUL -7 8

7/7/2009

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Determine Need for FPL
Florida EnergySecure Pipeline

DOCKET NO. 090172-EI

FILED: JULY 7, 2009

NOTICE OF TAKING TELEPHONIC DEPOSITION DUCES TECUM

TO:
Floyd R. Self
Messer Caparelo & Self, P.A.
618 Centennial Place
Tallahassee, FL 32308

FROM:
Gary V. Perko, Esq.
Hopping Green & Sams
119 South Monroe Street, Ste. 300
Tallahassee, FL 32301

PLEASE TAKE NOTICE THAT pursuant to Rule 1.310, Florida Rules of Civil Procedure, on Tuesday, **July 14, 2009, at 2:00 p.m. (EST), at the Offices of Florida Gas Transmission Company, LLC, 5444 Westheimer Road, Houston, Texas 77056,** the undersigned will take the deposition of **Benjamin Schlesinger** by **telephone conference** before an officer duly authorized to take depositions in the State of Florida. A dial-in number for this deposition will be provided by undersigned counsel for 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.

The deponent 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 Florida Gas Transmission Company, LLC in Docket No. 090172-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.

12. 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. 090172-EI.

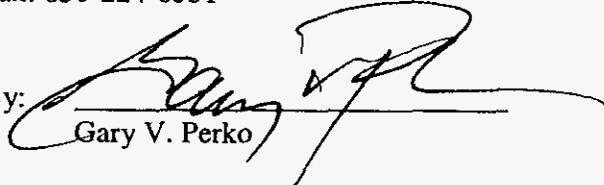
PLEASE GOVERN YOURSELVES ACCORDINGLY.

R. Wade Litchfield, Vice President and
Chief Regulatory Counsel
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By:



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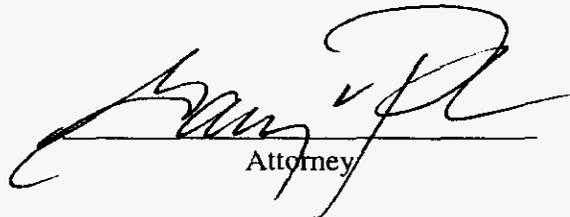
CERTIFICATE OF SERVICE

Docket No. 090172-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically and by United States mail this 7th day of July, 2009, to the following:

Martha Carter Brown
Office of General Counsel
Florida Public Service Commission
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