

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of Underground Conversion Tariff Revisions. ) Docket No. 080244-EI  
 )  
 )

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company. ) Docket No. 070231-EI  
 ) Filed: May 18, 2009  
 )

**THE MUNICIPAL UNDERGROUND UTILITIES CONSORTIUM, ET AL.,**  
**NOTICE OF TAKING TELEPHONIC DEPOSITION, DUCES TECUM**  
**OF THOMAS R. KOCH**

TO: John T. Butler, Esquire  
Kenneth M. Rubin, Esquire  
Law Department  
Florida Power & Light Company]  
700 Universe Boulevard  
Juno Beach, Florida 33408

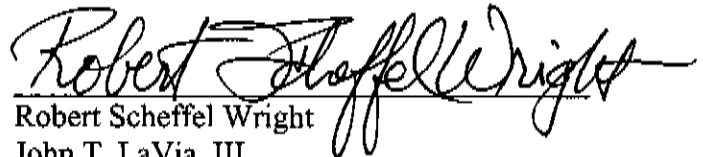
PLEASE TAKE NOTE THAT, PURSUANT TO Florida Rule of Civil Procedure 1.310, the Municipal Underground Utilities Consortium ("MUUC") will take the telephonic deposition upon oral examination of THOMAS R. KOCH. The witness should bring with him all documents on the attached schedule. The foregoing deposition will take place on **Wednesday, May 27, 2009, beginning at 10:00 a.m.**, before a court reporter, a Notary Public or some other officer authorized by law to take depositions. **Since the deposition will be taken by telephone, please have a Notary Public available to swear in the witness.** Witness and Counsel may participate telephonically. A dial-in number for all parties will be provided by separate e-mail. Parties may also appear in person.

Law Offices of Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, Florida 32301

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

Individuals with disabilities needing a reasonable accommodation to participate in this proceeding should contact Rhonda Dular or Robert Scheffel Wright, Esquire, at (850) 222-7206. If hearing impaired, call 1-800-955-8771 (TDD) or 1-800-955-8770 (V) via Florida Relay Service for assistance.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert Scheffel Wright". The signature is written in black ink and is positioned above the printed name and contact information.

Robert Scheffel Wright  
John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, Florida 32301  
Telephone (850)222-7206  
Facsimile (850)561-6834

**CERTIFICATE OF SERVICE**  
**Docket Nos. 080244-EI and 070231-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery on the 18<sup>th</sup> day of May 2009, to the following persons:

Ralph Jacger, Esquire  
Erik Saylor, Esquire  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
[rjacger@psc.state.fl.us](mailto:rjacger@psc.state.fl.us)  
[esaylor@psc.state.fl.us](mailto:esaylor@psc.state.fl.us)

John T. Butler, Esquire  
Kenneth M. Rubin, Esquire  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408  
Email: [Ken.Rubin@fpl.com](mailto:Ken.Rubin@fpl.com)  
[John.Butler@fpl.com](mailto:John.Butler@fpl.com)

Brian P. Armstrong, Esquire  
Marlene K. Stern, Esquire  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive  
Suite 200  
Tallahassee, Florida 32308  
Telephone: (850) 224-4070  
Facsimile: (850) 224-4073  
[dtucker@ngnlaw.com](mailto:dtucker@ngnlaw.com)  
[barmstrong@ngnlaw.com](mailto:barmstrong@ngnlaw.com)

Scott E. Simpson, Esquire  
Korcy, Sweet, McKinnon, Simpson  
and Vukelja  
Granada Oaks Professional Building  
595 West Granada Boulevard, Suite A  
Ormond Beach, FL 32174-9448  
Telephone: (386) 677-3431  
Facsimile: (386) 673-0748  
[simpson66@bellsouth.net](mailto:simpson66@bellsouth.net)

MUUC/City of Coconut Creek  
Thomas G. Bradford, Deputy Town Mgr  
c/o Town of Palm Beach, Florida  
360 South County Road  
Palm Beach, FL 33480  
Telephone: (561) 838-5410  
Facsimile: (561) 838-5411  
[Tbradford@TownofPalmBeach.com](mailto:Tbradford@TownofPalmBeach.com)

City of South Daytona  
Joseph W. Yarbrough  
P.O. Box 214960  
South Daytona, FL 32121  
Telephone: (386) 322-3010  
Facsimile: (386) 322-3008  
[jyarbrough@southdaytona.org](mailto:jyarbrough@southdaytona.org)

  
ATTORNEY

cc: Accurate Stenotype Reporters  
2894-A Remington Green Lane  
Tallahassee, Florida 32308

**SCHEDULE "A"**  
**DUCES TECUM**

Provide all materials reviewed and relied upon by each witness in conjunction with the formation of his opinions, testimony and exhibits, along with any and all materials generated by each witness, including but not limited to the following:

- Provide all source documents and work papers for all of Mr. Koch's Exhibits TRK-1 through TRK-11. To the extent that any documents are confidential, e.g., any documents that may support Mr. Koch's Exhibit TRK-10, please provide those in advance to the MUUC's attorneys.
- Provide all source documents that Mr. Koch contends support any and all assumptions reflected in his exhibits and testimony.
- Provide empirical support for the statement at page 13 of Mr. Koch's testimony that "FPL estimates this rebound effect to be about 75% - 85% (depending on customer class) . . . ."

**CERTIFICATE OF OATH**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, the undersigned authority, certify that \_\_\_\_\_  
personally appeared before me at \_\_\_\_\_ and was duly  
sworn by me to tell the truth.

WITNESS my hand and official seal in the City of \_\_\_\_\_, County  
of \_\_\_\_\_, State of \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, 2008.

By: \_\_\_\_\_  
Notary Public

State of: \_\_\_\_\_

Personally known \_\_\_\_\_ OR produced identification \_\_\_\_\_

Type of Identification produced: \_\_\_\_\_