

CARLTON FIELDS, P.A.

ATTORNEYS AT LAW

4000 INTERNATIONAL PLACE
100 S.E. SECOND STREET
MIAMI, FLORIDA 33131-9101

MAILING ADDRESS
P.O. BOX 019101, MIAMI FL 33131-9101
TEL (305) 530-0050 FAX (305) 530-0055

FAX COVER SHEET

Date:	February 19, 2003	Phone Number	Fax Number
To:	Teresa Heron	850-921-9529	850-922-6979
From:	Sean W. Firley	(305) 530-0050	(305) 530-0055

Client/Matter No.: 44087.98622

Employee No.: 648

Total Number of Pages Being Transmitted, Including Cover Sheet: 4

Message: Dear Ms. Heron: Per your conversation with my secretary earlier today, enclosed please find a copy of the Re-Notice of Deposition, rescheduling your deposition for Wednesday, February 26, 2003, at 9:30 a.m. Thank you.

Original to follow Via Regular Mail
 Original will Not be Sent
 Original will follow via Overnight Courier

 The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF THERE ARE ANY PROBLEMS OR COMPLICATIONS, PLEASE NOTIFY US IMMEDIATELY AT:
 (305) 530-0050

TELECOPIER OPERATOR: _____

CARLTON FIELDS, P.A.

TAMPA ORLANDO TALLAHASSEE WEST PALM BEACH ST. PETERSBURG MIAMI

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO. CL 01-2415 AG

CALDWELL ENERGY & ENVIRONMENTAL,
INC., a foreign corporation,

Plaintiff,

vs.

FLORIDA POWER & LIGHT COMPANY,
a Florida corporation,

Defendant.

RE-NOTICE OF TAKING TELEPHONIC DEPOSITION DUCES TECUM
(Change in Date and Time)

PLEASE TAKE NOTICE that the undersigned attorneys will take the deposition of:

<u>Name and Address</u>	<u>Date and Time</u>	<u>Location</u>
Ms. Teresa Heron State of Florida Dept. of Environmental Protection	February 26, 2002 9:30 a.m.	State of Florida. Dept. of Environmental Protection 111 South Magnolia Drive - #4 Tallahassee, FL 32399-2400

[Directions: 1 to 2 blocks North of US 27 on South Magnolia, in courtyard to the right of The Marketplace. There's a large parking lot and they are on the right side as you face the buildings. They are located on the bottom floor left hand side #4.

The deposition will be upon oral examination before Accurate Stenotype Reporters, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The oral examination will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules,

pursuant to Florida Rules of Civil Procedure. A list of the documents to be produced is attached hereto as Exhibit A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was faxed and mailed on this 19th day of February, 2003, to: Spencer Sax, Esq. and Rachele R. McBride, Esquire, Sachs, Sax & Klein, P.A., Post Office Box 810037, Boca Raton, Florida 33481-0037.

CARLTON FIELDS, P.A.
Counsel for Caldwell Energy Environmental, Inc.
Bank of America Tower at International Place
100 Southeast Second Street, Suite 4000
Miami, Florida 33131
(305) 530-0050

By: 

MARIA C. MCGUINNESS
Florida Bar No. 858137
SEAN W. FIRLEY
Florida Bar No. 0118567

Co-counsel for Plaintiff:

Robert M. Connolly, Esq.
Stites & Harbison
400 West Market Street
Suite 1800
Louisville, KY 40202-3352

Copy via Facsimile to:
Accurate Stenotype Reporters (850) 878-2254 fax

CARLTON FIELDS, P. A.
Bank of America Tower at International Place - Suite 4000 - 100 Southeast Second Street - Miami - Florida 33131-9101 - (305) 530-0050

EXHIBIT A

All documents pertaining to Defendant Florida Power & Light Company's ("FPL") permit application, permit, construction and operation of inlet fogging systems at FPL's Martin County, Florida and Putnam County, Florida power generating plants, including but not limited to any documents discussing FPL's anticipated and estimated use of the fogging systems in hours and/or on an annual basis, expectations for increases in megawatt output through the use of the inlet fogging systems at these power plants and the effect of the fogging systems on NOx emissions.

CARLTON FIELDS, P. A.

Bank of America Tower at International Place - Suite 4000 - 100 Southeast Second Street - Miami - Florida 33131-9101 - (305) 530-0050

MIA#2230345.2

CARLTON FIELDS

ATTORNEYS AT LAW

4000 INTERNATIONAL PLACE
100 S. E. SECOND STREET
MIAMI, FLORIDA 33131

RECEIVED

FEB 17 2003

MAILING ADDRESS:
P.O. BOX 019101, MIAMI, FL 33131-9101
TEL (305) 530-0050 FAX (305) 530-0055

BUREAU OF AIR REGULATION

February 14, 2003

Ms. Teresa Heron
State of Florida
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

VIA U.S. MAIL

**Re: Caldwell Energy & Environmental, Inc. vs. Florida Power & Light Company
Case No. CL 01-2415 AG, Palm Beach County Circuit Court
Our File No. 44087-98622**

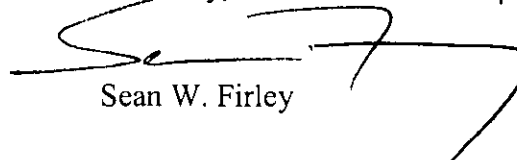
Dear Ms. Heron:

This letter will serve to confirm our telephone conversation today. Thank you for agreeing to begin your deposition on February 20, 2003 at 9:00 a.m., one hour earlier than originally scheduled.

As we discussed, it is very important that we receive copies of all documents you will be producing at the deposition well in advance of the deposition so that we can, in turn, furnish a copy to our opposing counsel who will also appear by telephone. I have enclosed a duplicate copy of the Subpoena which lists the documents requested for your reference.

Please call my secretary, Patty Watson, at the telephone number listed above to coordinate the delivery of the documents. She can supply you with our federal express account number for your use in overnighting the documents to us so that we can avoid the necessity of sending the documents via facsimile.

Sincerely,



Sean W. Firley

SWF:paw
Enclosure

MIA#2234583.1

MIAMI ORLANDO ST. PETERSBURG TALLAHASSEE TAMPA WEST PALM BEACH

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO. CL 01-2415 AG

CALDWELL ENERGY & ENVIRONMENTAL,
INC., a foreign corporation,

Plaintiff,

vs.

FLORIDA POWER & LIGHT COMPANY,
a Florida corporation,

Defendant.

COPY

**SUBPOENA DUCES TECUM FOR PRODUCTION OF DOCUMENTS
AND THINGS WITH TELEPHONIC DEPOSITION**

THE STATE OF FLORIDA:

TO: Ms. Teresa Heron (850-921-9529)
State of Florida
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

YOU ARE COMMANDED to appear at the offices of State of Florida, Department of Environmental Protection, 111 South Magnolia Drive - #4, Tallahassee, FL 32399-2400, on February 20, 2003 at 10:00 a.m., and to have with you at that time and place the following:

(9:00 A.M.)
All documents-pertaining to Defendant Florida Power & Light Company's ("FPL") permit application, permit, construction and operation of inlet fogging systems at FPL's Martin County, Florida and Putnam County, Florida power generating plants, including but not limited to any documents discussing FPL's anticipated, estimated and actual use of the fogging systems in hours and/or on an annual basis, expectations for increases in megawatt output through the use

MIA#2230344.1

CARLTON FIELDS, P. A .

Bank of America Tower at International Place - Suite 4000 - 100 Southeast Second Street - Miami - Florida 33131-9101 - (305) 530-0050

MIA#ERROR! UNKNOWN DOCUMENT PROPERTY NAME..01 .

**of the inlet fogging systems at these power plants and the effect
of the fogging systems on NOx emissions.**

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena.

If you fail to:

- (1) Appear as specified; or
- (2) Furnish the records instead of appearing as provided above; or
- (3) Object to this subpoena

You may be in contempt of Court. You are subpoenaed by the attorney whose name appears on this subpoena and unless excused from this subpoena by this attorney or the Court, you shall respond to this subpoena as directed.

DATED on January ____, 2003.

By: _____
MARIA C. McGUINNESS, ESQ.
Florida Bar No.: 858137
COREY B. COLLINS, ESQ.
Florida Bar No.: 0060704
Attorney for Caldwell Energy &
Environmental, Inc.
CARLTON FIELDS, P.A.
100 S.E. Second Street, Suite 4000
Miami, FL 33131
(305) 530-0050

Send Copies to:

MARIA C. McGUINNESS, ESQ.
Carlton Fields, P.A.
100 S.E. Second Street
Suite 4000
Miami, Florida 33131

CARLTON FIELDS, P.A.

Bank of America Tower at International Place - Suite 4000 - 100 Southeast Second Street - Miami - Florida 33131-9101 - (305) 530-0050

Department of Environmental Protection

Photocopy Charge Computation

Date: 2/18/03

Photocopies made for: Patty Watson @ Carlton Fields

Photocopies made by: Vickie Gibson

No. of Photocopies: 164 @ \$0.15 per copy \$24.60
23 @ \$0.20 double sided \$ 4.60

Extensive Clerical or Supervisory Assistance

*Hourly Rate: x Hours Spent on = Clerical
Photocopy assignment: Cost:
\$ x = \$ 6.00

Total Charge for Photocopies: \$ 35.20

* Employee's monthly gross salary divided by 174 hours, then multiplied by 1.406 equals total hourly salary costs, including fringe benefits.

Please make check payable to:

The Department of Environmental Protection

Division of Air Resource Management
Attn: Patty Adams, MS 5505 MC 5515
2600 Blainstone Road
Tallahassee, FL 32399- 2400

Check Sheet

Company Name: FP&L Miller 0850001-005-AC
Permit Number: 0850001-005-AC
PSD Number: _____
Permit Engineer: _____

Application:

- Initial Application
- Incompleteness Letters
- Responses
- Waiver of Department Action
- Department Response
- Other

Cross References:

-
-
-

Intent:

- Intent to Issue
- Notice of Intent to Issue
- Technical Evaluation
- BACT Determination
- Unsigned Permit

Correspondence with:

- EPA
- Park Services
- Other
- Proof of Publication
- Petitions - (Related to extensions, hearings, etc.)
- Waiver of Department Action
- Other

Final Determination:

- Final Determination
- Signed Permit
- BACT Determination
- Other

Post Permit Correspondence:

- Extensions/Amendments/Modifications
- Other

Check Sheet

Company Name: FPL Putman 1070014
Permit Number: 1070014-00-3AC
PSD Number: _____
Permit Engineer: _____

Application:

- Initial Application
 - Incompleteness Letters
 - Responses
 - Waiver of Department Action
 - Department Response
 - Other

Cross References:

-
-
-

Intent:

- Intent to Issue
- Notice of Intent to Issue
- Technical Evaluation
- BACT Determination
- Unsigned Permit

Correspondence with:

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Proof of Publication

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- Other

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- Other

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- Extensions/Amendments/Modifications
- Other

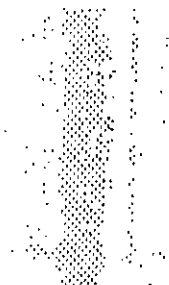
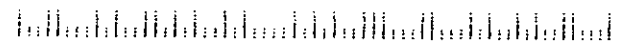
187 08622 (256)
CARLTON FIELDS
POST OFFICE BOX 019101
MIAMI, FLORIDA 33131-9101



Ms. Teresa Heron
State of Florida
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

A

32399-2400 01





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5505/5515

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SENDER'S COPY
 DROP OFF YOUR PACKAGE AND SAVE

SENDER'S FEDERAL EXPRESS ACCOUNT NUMBER 1345-2681-5		Date 2/18/03
From (Your Name) Please Print Teresa Heron Company D.F.P. - Bureau of Air Regulation Street Address 111 S. Magnolia Drive City Tallahassee State FL ZIP Required 32311		Your Phone Number (Very Important) (850) 921-9529 Department/Floor No.
To (Recipient's Name) Please Print Patty Watson Company for Sean W. Firley Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes) Carlton Fields, Attorneys at Law 4000 International Place 100 S. E. Second Street City Miami State FL ZIP Required 33131		Recipient's Phone Number (Very Important) 305 530-0050 Department/Floor No.
YOUR INTERNAL BILLING REFERENCE INFORMATION (optional) (First 24 characters will appear on invoice.)		
PAYMENT 1 <input type="checkbox"/> Bill Sender 2 <input checked="" type="checkbox"/> Bill Recipient's FedEx Acct. No. 3 <input type="checkbox"/> Bill 3rd Party FedEx Acct. No. 4 <input type="checkbox"/> Bill Credit Card		IF HOLD AT FEDEX LOCATION, Print FEDEX Address Here Street Address City State ZIP Required
5 <input type="checkbox"/> Cash/Check 6 <input type="checkbox"/> Acct./Credit Card No. 1345-2681-5 Exp. Date		
SERVICES (Check only one box)		DELIVERY AND SPECIAL HANDLING (Check services required)
Priority Overnight (Delivery by next business afternoon. No Saturday delivery) 11 <input type="checkbox"/> OTHER PACKAGING 16 <input type="checkbox"/> FEDEX LETTER 12 <input checked="" type="checkbox"/> FEDEX PAK* 13 <input type="checkbox"/> FEDEX BOX 14 <input type="checkbox"/> FEDEX TUBE Economy Two-Day (Delivery by second business day) 30 <input type="checkbox"/> ECONOMY* *Economy Letter Rate not available. Minimum charge. One pound Economy rate. Freight Service (For packages over 150 lbs.) 70 <input type="checkbox"/> OVERNIGHT FREIGHT** (Continued reservation required) † Delivery commitment may be later in some areas.	Standard Overnight (Delivery by next business afternoon. No Saturday delivery) 51 <input type="checkbox"/> OTHER PACKAGING 56 <input type="checkbox"/> FEDEX LETTER* 52 <input type="checkbox"/> FEDEX PAK* 53 <input type="checkbox"/> FEDEX BOX 54 <input type="checkbox"/> FEDEX TUBE Government Overnight (Restricted for authorized users only) 46 <input type="checkbox"/> GOVT LETTER 41 <input type="checkbox"/> GOVT PACKAGE	1 <input type="checkbox"/> HOLD AT FEDEX LOCATION WELKDAY (If in Section 14) 2 <input checked="" type="checkbox"/> DELIVER WELKDAY Saturday Service 31 <input type="checkbox"/> HOLD AT FEDEX LOCATION SATURDAY (If in Section 14) 3 <input type="checkbox"/> DELIVER SATURDAY (Extra charge) (Not available to all locations) 9 <input type="checkbox"/> SATURDAY PICK-UP (Extra charge) Special Handling 4 <input type="checkbox"/> DANGEROUS GOODS (Extra charge) 6 <input type="checkbox"/> DRY ICE (Dangerous Goods Shippers Declaration not required) Drive 9 (2185) X kg 904 III Ex 50 1111 12 <input type="checkbox"/> HOLIDAY DELIVERY (if offered) (Extra charge)
PALLET(S) WEIGHT TO PACKAGE (Oz) YOUR DECLARED VALUE (per unit) Total Total Total DIM SHIPMENT (Transportable Weight) lbs X X X Received At 1111 Requir Stop 3111 Drop Box 2111 On Call Stop 6111 Station		SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY Use of this airbill constitutes your agreement to the service conditions in our current Service Guide, available upon request. See back of sender's copy of this airbill for information. Service conditions may vary for Government Overnight Service. See U.S. Government Service Guide for details. We will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, and document your actual loss for a timely claim. Limitations found in the current Federal Express Service Guide apply. Your right to recover from Federal Express for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the declared value specified to the left. Recovery cannot exceed actual documented loss. The maximum Declared Value for FedEx Letter and FedEx Pak packages is \$500. In the event of untimely delivery, Federal Express will at your request and with some limitations refund all transportation charges paid. See Service Guide for further information. Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom. Release Signature:
Federal Express Use Base Charges Declared Value Charge Other 1 Other 2 Total Charges REVISION DATE 12/89 FORM #137205 GRIFF FORMAT #158 158 © 1999 FEDERAL EXPRESS PRINTED IN U.S.A.		

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO. CL 01-2415 AG

CALDWELL ENERGY & ENVIRONMENTAL,
INC., a foreign corporation,

Plaintiff,

vs.

FLORIDA POWER & LIGHT COMPANY,
a Florida corporation,

Defendant.

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JAN 27 2003

BUREAU OF AIR REGULATION

**SUBPOENA DUCES TECUM FOR PRODUCTION OF DOCUMENTS
AND THINGS WITH TELEPHONIC DEPOSITION**

THE STATE OF FLORIDA:

TO: Ms. Teresa Heron (850-921-9529)
State of Florida
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

~~J. Lee Vause~~
Certified Process Server ID#81
Second Judicial Circuit
Florida / County 250 AM
Served 1/27/03 Time PM

YOU ARE COMMANDED to appear at the offices of State of Florida, Department of Environmental Protection, 111 South Magnolia Drive - #4, Tallahassee, FL 32399-2400, on February 20, 2003 at 10:00 a.m., and to have with you at that time and place the following:

All documents pertaining to Defendant Florida Power & Light Company's ("FPL") permit application, permit, construction and operation of inlet fogging systems at FPL's Martin County, Florida and Putnam County, Florida power generating plants, including but not limited to any documents discussing FPL's anticipated, estimated and actual use of the fogging systems in hours and/or on an annual basis, expectations for increases in megawatt output through the use

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Bank of America Tower at International Place - Suite 4000 - 100 Southeast Second Street - Miami - Florida 33131-9101 - (305) 530-0050

**of the inlet fogging systems at these power plants and the effect
of the fogging systems on NOx emissions.**

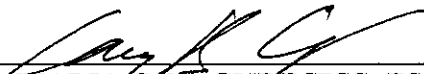
These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena.

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- (2) Furnish the records instead of appearing as provided above; or
- (3) Object to this subpoena

You may be in contempt of Court. You are subpoenaed by the attorney whose name appears on this subpoena and unless excused from this subpoena by this attorney or the Court, you shall respond to this subpoena as directed.

DATED on January 22, 2003.

By: 
MARIA C. MCGUINNESS, ESQ.
Florida Bar No.: 858137
COREY B. COLLINS, ESQ.
Florida Bar No.: 0060704
Attorney for Caldwell Energy &
Environmental, Inc.
CARLTON FIELDS, P.A.
100 S.E. Second Street, Suite 4000
Miami, FL 33131
(305) 530-0050

Send Copies to:

MARIA C. MCGUINNESS, ESQ.
Carlton Fields, P.A.
100 S.E. Second Street
Suite 4000
Miami, Florida 33131

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