

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
JOHN R. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

J. STEPHEN MENTON
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNO
M. LANE STEPHENS

February 15, 2001

By Hand Delivery

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

RECEIVED-FPSC
01 FEB 15 AM 11:54
RECORDS AND REPORTING

Re: Docket No.000061-EI

Dear Ms. Bayo:

Enclosed for filing on behalf of Allied/CFI are the originals and fifteen copies each of: (1) Allied/CFI's Notice of Intent and Preliminary List of Confidential Documents To Be Used At Hearing; and (2) Allied/CFI's Response to Odyssey Manufacturing Company's Motion For Authorization to Disclose Confidential Information Pursuant to Protective Agreement.

Please acknowledge these filings by date stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

RECEIVED & FILED
John R. Ellis
FPSC-BUREAU OF RECORDS

Sincerely,
John R. Ellis
John R. Ellis

- APP _____
- CAF _____
- CMP _____
- COM 3
- CTR _____
- ECR _____
- LEG I
- OPC _____
- PAI _____
- RGO _____
- SEC I
- SER _____
- OTH _____

JRE/sy
Enclosures
cc: Parties of Record

NOI/Preliminary list
DOCUMENT NUMBER-DATE
02135 FEB 15 01
FPSC-RECORDS/REPORTING

Response
DOCUMENT NUMBER-DATE
02136 FEB 15 01
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, Florida Statutes, with respect to rates offered under Commercial/Industrial Service Rider tariff; petition to examine and inspect confidential information; and request for expedited relief.

Docket No. 000061-EI

Filed: February 15, 2001

ALLIED/CFI'S NOTICE OF INTENT AND PRELIMINARY LIST OF CONFIDENTIAL DOCUMENTS TO BE USED AT HEARING

Allied Universal Corporation ("Allied") and Chemical Formulators, Inc. ("CFI"), hereinafter referred to collectively as "Allied/CFI," by and through their undersigned counsel, and pursuant to Rule 28-106.209, Florida Administrative Code, the draft Prehearing Order issued in this proceeding, and the direction of counsel for the Commission with the agreement of counsel for the parties to this proceeding, give this notice of intent to use confidential information and submit the following preliminary list of confidential documents to be used by Allied/CFI at the hearing on February 19, 2001.

| <u>Confidential Exhibit No.</u> | <u>Stamp No.</u> | <u>Description</u> |
|---------------------------------|------------------|---------------------------------------|
| RMN-1 | | 7/30/97 Chemetics proposal |
| RMN-2 | | 7/12/97 Noram proposal |
| RMN-4 | | 5/25/99 Georgia Power price quotation |
| RMN-5 | | 6/21/99 letter Namoff to Rodriguez |
| RMN-8 | | 7/15/99 letter Namoff to Rodriguez |

DOCUMENT NUMBER-DATE

02135 FEB 15 2001

FILED-RECORDED-REPORTING

| <u>Confidential Exhibit No.</u> | <u>Stamp No.</u> | <u>Description</u> |
|---------------------------------|------------------|--|
| RMN-11 | | 8/19/99 letter Namoff to Rodriguez |
| RMN-13 | | 10/18/99 letter Rodriguez to Namoff |
| RMN-15 | 23-0 | 3/12/98 Allman memo re: Initial Customer Meeting with Sidelko |
| PHA-2 | 836-0 to 837-0 | 3/14/98 letter Allman to Sidelko |
| PHA-3 | 1939-0 | 3/16/98 Allman memo re: E-379 630.000 |
| PHA-4 | 35-0 | 3/16/98 Allman memo re: receipt of Customer's proposed project, Business and Marketing plans |
| RMN-19 | 315-0 to 318-0 | 3/20/98 draft Allman memo re: Potential New Industrial Customer-Bleach Plant |
| RMN-19 | 11-0 to 14-0 | 3/27/98 Allman memo re: Potential New Industrial Customer-Bleach Plant |
| RMN-19 | 29-0 to 32-0 | 3/27/98 Allman memo re: Potential New Industrial Customer - Bleach Plant |
| PHA-6 | 25-0 | 3/24/98 Allman memo re: electric service options and customer giving land for substation |
| PHA-11 | 33-0 | 4/1/98 Allman memo re: Internal Meeting on Bleach Plant |
| PHA-14 | 1943-0 | 4/-/98 Allman memo re: Electric Service Options |
| PHA-15/ WRA-12 | 171-0 to 172-0 | 4/23/98 Allman's Economic Analysis of Bleach Plant |

| <u>Confidential Exhibit No.</u> | <u>Stamp No.</u> | <u>Description</u> |
|---------------------------------|------------------|---|
| PHA-24/ WRA-14 | 1478-0 to 1480-0 | 4/17/98 draft letter Allman to Sidelko re: Economic Development Proposal for New Manufacturing Facility |
| PHA-23 | 1519-0 to | 8/3/98 draft letter Allman to Sidelko re: Economic Development Proposal for New Manufacturing Facility |
| WRA-3 | 139-0 to 165-0 | 9/4/98 Odyssey's Contract Service Agreement |
| PHA-31 | 20-0 to 21-0 | 9/8/98 CISR Checklist |
| PHA-25 | 43-0 | 8/5/98 Affidavit of Stephen W. Sidelko |
| RMN-12 | | 8/25/99 Affidavit of Robert W. Namoff |
| LWR-10 | 1606-A | 5/28/99 Rodriguez notes of initial meeting with Namoff |
| WRA-15 | 1623-A | 8/12/99 e-mail Rodriguez to Ashburn re: not necessarily a low CISR rate |
| LWR-9 | 1752-A | 8/-/99 Rodriguez note re: Discrimination |
| LWR-18 | 1619-A | 8/6/99 Rodriguez notes re: "Bleach #2" |
| LWR-3 | 1780-A | 9/22/99 Rodriguez memo re: Allied price quotation |
| LWR-21 | 1775-A | 9/-/99 Rodriguez memo re: Allied CISR Update (post negotiations) |
| ---- | 1778-A to 1779-A | 9/24/99 Rodriguez memo re: Allied CISR negotiations briefing |
| LWR-22/ WRA-6 | 1794 | 10/25/99 Rodriguez memo re: discussion of proposed term sheet with Namoff |

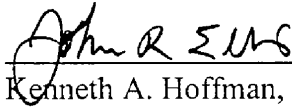
| <u>Confidential Exhibit No.</u> | <u>Stamp No.</u> | <u>Description</u> |
|---|------------------|--|
| LWR-11 | 1598-A to 1599-A | CISR Checklist for Allied |
| RMN-17 | --- | 3/14/98 to 6/20/98 Correspondence between Allman and Sidelko |
| RMN-18 | 1047 | Bleach Plant Executive Summary-Update as of 6/7/98 |
| PHA-26 | 78-0 | 8/6/98 Allman memo re: Miami visit |
| PHA-28 | 1081-0 | 8/18/98 Allman memo re: Massaro Substation Construction Schedule |
| TECO's Response to Allied/CFI's POD No. 13 | 1844-A to 1866-A | Communications between TECO and Odyssey concerning Allied/CFI's request for CISR tariff rates |
| TECO's Response to Allied/CFI's POD No. 14 | 2001 | TECO's CISR Report for Quarter Ended March 31, 2000 |

Allied/CFI has not yet received copies of documents used as Exhibits at the recently completed depositions of the party witnesses in this case, and Allied/CFI reserves the right to amend and supplement the list accordingly. Allied/CFI reserves the right to utilize additional confidential documents for purposes of cross-examination and impeachment.

Allied/CFI preliminarily intends, and gives this notice of its intent, to use and refer to confidential prefiled testimony and confidential deposition testimony of any and all witnesses who have given prefiled and/or deposition testimony in this proceeding.

Allied/CFI affirms that it will follow appropriate procedures established by the Commission for the use of confidential information at the hearing, as contemplated by the draft Prehearing Order issued in this proceeding.

Respectfully submitted,



Kenneth A. Hoffman, Esq.
John R. Ellis, Esq.
Rutledge, Ecenia, Underwood, Purnell &
Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302
(850) 681-6788 (telephone)
(850) 681-6515 (telecopier)

Daniel K. Bandklayder, Esq.
Anania, Bandklayder, Blackwell,
Baumgarten & Torricella
Bank of America Tower, Suite 4300
100 Southeast Second Street
Miami, FL 33131-2144
(305) 373-4900 (Telephone)
(305) 373-6914 (Telecopier)

Philip A. Allen, III, Esq.
Lucio, Bronstein, Garbett, Stiphany & Allen, P.A.
80 S.W. 8th Street, Suite 3100
Miami, FL 33131

Attorneys for Allied Universal Corporation and
Chemical Formulators, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Allied/CFI's Response to Odyssey Manufacturing Company's Motion for Authorization to Disclose Confidential Information Pursuant to Protective Agreement was furnished by hand delivery(*), telecopier (**), and/or U. S. Mail to the following this 15th day of February, 2001:

Robert V. Elias, Esq. (*)
Marlene Stern, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard

Room 370
Tallahassee, Florida 32399-0850

Lee L. Willis, Esq. (*)
James D. Beasley, Esq.
Ausley & McMullen
227 South Calhoun Street
Tallahassee, Florida 32301

Harry W. Long, Jr., Esq. (**)
TECO Energy, Inc.
Legal Department
P. O. Box 111
Tampa, FL 33601

Patrick K. Wiggins, Esq.
Katz, Kutter, et al.
106 E. College Ave.
Tallahassee, FL 32301

Wayne L. Schiefelbein, Esq. (**)
P. O. Box 15856
Tallahassee, FL 32317-5856

Scott J. Fuerst, Esq.
Ruden, McClosky, et al.
200 East Broward Blvd.
Ft. Lauderdale, FL 33301

John L. Wharton
Rose, Sundstrom & Bentley
2548 Blairstone Pines Drive
Tallahassee, FL 32301


John R. Ellis

Allied/prehearing