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February 15, 2001

HAND DELIVERED

ORIGINAL

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

Re: Complaint of Allied Universal Corporation and Chemical Formulators, Inc.
against Tampa Electric Company; FPSC Docket No. 000061-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Tampa Electric Company are the original and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Motion for Approval of Offer of Settlement.
2. Tampa Electric company's Motion to Dismiss Complaint and Request for Expedited Response.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

APP _____
CAF _____
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SEC 1 _____
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JDB/pp
Enclosures

cc: All Parties of Record (w/ encls.)

RECEIVED & FILED

FPSC BUREAU OF RECORDS/REPORTING

DOCUMENT NUMBER - DATE

(1) 02162 FEB 15 2001 (2) 02163 FEB 15 2001

FPSC BUREAU OF RECORDS/REPORTING

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RECORDS AND REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Allied Universal)
Corporation and Chemical Formulators,)
Inc. against Tampa Electric Company.)
_____)

DOCKET NO. 000061-EI
FILED: February 15, 2001

**TAMPA ELECTRIC COMPANY’S MOTION
FOR APPROVAL OF OFFER OF SETTLEMENT**

Pursuant to Rule 28-106.204, Florida Administrative Code, Tampa Electric Company (“Tampa Electric” or the “Company”) hereby requests that the Commission approve the Offer of Settlement set forth below and says:

WHEREAS, Allied Universal Corporation and Chemical Formulators, Inc. (collectively “Allied/CFI”) have repeatedly stated to this Commission that their sole objective in this proceeding is to obtain the same rates, terms and conditions for electric service to their proposed new bleach manufacturing facility as those contained in the Contract Service Agreement (“CSA”) negotiated between Tampa Electric and Odyssey Manufacturing Company (“Odyssey”); and

WHEREAS, based on the results of over 12 months of discovery, including over two weeks of depositions, it is clear that Allied/CFI is not entitled, either as a matter of law or sound regulatory policy, to the same rates, terms and conditions as those negotiated with Odyssey. It is equally clear, based on the evidence adduced, that Tampa Electric has acted prudently and, at all times, in accordance with its tariffs and applicable Florida law in its dealings with both Allied/CFI and Odyssey. Finally, it is clear that Allied/CFI’s claims of improper conduct on the part of Tampa Electric and Odyssey in the course of Commercial Industrial Service Rider (“CISR”) negotiations are utterly

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groundless and were made for the sole purpose of inducing this Commission to give Allied/CFI access to the confidential and propriety business information of a competitor. Tampa Electric is ready, willing and able to demonstrate the correctness of these conclusions at the hearing in this proceeding, currently scheduled for February 19, 2001; and

WHEREAS, throughout this proceeding, Tampa Electric has consistently searched for ways of avoiding the waste of Commission resources in this proceeding. Early in the proceeding, the Company proposed an expedited procedure for evaluation of Allied/CFI's allegations. Tampa Electric consistently proposed compromises in the context of discovery designed to protect Odyssey's proprietary business information while affording Allied/CFI a reasonable opportunity for discovery. Tampa Electric participated, in good faith, in formal mediation of the issues raised in this proceeding. All of these efforts have been to no avail.

NOW THEREFORE, in a final effort to avoid the continued waste of Commission resources, Tampa Electric hereby makes the following offer of settlement:

1. As of the date that Allied/CFI's new bleach manufacturing facility goes into commercial operation, Allied/CFI shall receive electric service from Tampa Electric for the new facility at the same rate and on the same terms and conditions as those then in effect for service to Odyssey's comparable facility in Tampa Electric's service territory, provided that Allied/CFI commences commercial operation at this proposed new facility, at a location within Tampa Electric's service territory, with 24 months of the Commission order approving this Offer of Settlement.

2. In its Order approving this Offer of Settlement, the Commission shall make the following Findings of Fact and Conclusions of Law:

a. Findings of Fact:

- i. Both Odyssey Manufacturing Company and Allied Universal Corporation/Chemical Formulators, Inc., are eligible for service under Tampa Electric's Commercial Industrial Service Rider ("CISR") tariff.
- ii. Tampa Electric's existing CSA with Odyssey and its proposed CSA with Allied/CFI provide benefits to Tampa Electric's general body of ratepayers and, therefore, approval of both CSAs is in the best interest of ratepayers.

a. Conclusions of Law:

- i. In every respect and at all times, Tampa Electric has acted prudently and in accordance with its CISR Tariff and applicable Florida law in its CISR negotiations with Odyssey Manufacturing.
- ii. In every respect and at all times, Tampa Electric has acted prudently and in accordance with its CISR Tariff and applicable Florida law in its CISR negotiations with Allied/CFI.

3. This offer of settlement is conditioned on the Commission's approval of each and every provision hereof without modification. This offer of settlement shall expire upon the calling of the first witness at the hearing now scheduled to commence on February 19, 2001. Tampa Electric requests that the parties to this proceeding be required to respond to this motion as a preliminary matter at the outset of the hearing as of February 19, 2001.

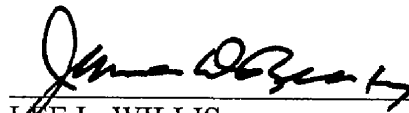
WHEREFORE, Tampa Electric Company moves the Commission to approve the offer of settlement set forth in Paragraphs 1-3 and that this docket be closed.

DATED this 15th day of February 2001.

Respectfully Submitted

HARRY W. LONG, JR.
Assistant General Counsel
Tampa Electric Company
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and



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Approval of Offer of Settlement, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 15th day of February 2001 to the following:

Mr. Robert V. Elias*
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Tallahassee, FL 32399-0850

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ATTORNEY

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