

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: May 1, 2001

**ALLIED/CFI'S REQUEST
FOR CONFIDENTIAL CLASSIFICATION**

Allied Universal Corporation ("Allied") and its affiliate, Chemical Formulators, Inc. ("CFI") (collectively "Allied/CFI"), by and through their undersigned counsel, and pursuant to Rule 25-22.006(4), Florida Administrative Code, Order No. PSC-01-1003-AS-EI, issued April 24, 2001, and Order No. PSC-01-1030-PCO-EI, issued April 26, 2001, file this Request for Confidential Classification, and state:

1. The Settlement Agreement between Allied/CFI and Tampa Electric Company ("TECO") provides for the admission into the record of the deposition testimony of eleven witnesses in this proceeding. Pursuant to the agreement of counsel for the parties, each party is requesting confidential classification of appropriate sections of the deposition testimony of its affiliated witnesses, consistent with prior Orders in this proceeding governing the confidential classification of testimony and other information. Accordingly, Allied/CFI is requesting confidential classification of appropriate sections of the deposition testimony and related exhibits of Allied/CFI witnesses Robert M. Namoff, James W. Palmer, Peter DeAngelis, and Dr. Charles F. Phillips, Jr.

DOCUMENT NUMBER-DATE

05480 MAY-15

#PSC-RECORDS/REPORTING

2. Appended to this Request for Confidential Classification as Attachment A is a listing of the pages and lines of Mr. Namoff's deposition testimony where the confidential material is found, correlated with the justification for the requested confidential classification of the material.

3. Appended to this Request for Confidential Classification as Attachment B is a listing of the pages and lines of Mr. Palmer's deposition testimony where the confidential material is found, correlated with the justification for the requested confidential classification of the material.

4. Appended to this Request for Confidential Classification as Attachment C is a listing of the pages and lines of Mr. DeAngelis' deposition testimony and a listing of the exhibits to his deposition testimony where the confidential material is found, correlated with the justification for the requested confidential classification of the material.

5. Appended to this Request for Confidential Classification as Attachment D is a listing of the pages and lines of Dr. Phillips' deposition testimony and a listing of the exhibits to his deposition testimony where the confidential material is found, correlated with the justification for the requested confidential classification of the material.

6. Appended to the Request as Attachment E in a sealed envelope marked "Confidential" is one copy of the listed pages of the deposition testimony and related exhibits of Mr. Namoff, Mr. Palmer, Mr. DeAngelis, and Dr. Phillips, with the confidential sections of the testimony and exhibits highlighted.

7. Pursuant to Order No. PSC-01-1003-AS-EI and Rule 5-22.006, Florida Administrative Code, TECO, Odyssey and Sentry may supplement Allied/CFI's Request for Confidential Classification. Upon the expiration of the period for supplementation, Allied/CFI will file redacted copies of the transcripts of the depositions of Mr. Namoff, Mr. Palmer, Mr. DeAngelis, and Dr. Phillips.

8. The testimony and exhibits for which confidential classification is requested by Allied/CFI concern three subject areas:

(a) The first subject area concerns negotiations between TECO and Allied/CFI, and between TECO and Odyssey Manufacturing Company (“Odyssey”) and its affiliate, Sentry Industries, Inc. (“Sentry”), for discounted rates for electric service under TECO’s Commercial/Industrial Service Rider (“CISR”) tariff. Testimony concerning this subject should be granted confidential classification, consistent with prior Orders in this proceeding interpreting the confidentiality terms of original Sheet Number 6.720 of TECO CISR tariff, and Section 366.093(3), Florida Statutes. This information has been treated as confidential by the parties to this proceeding and has not been publicly disclosed; and the parties have agreed to maintain confidentiality of this information pursuant to the Protective Agreement. This subject of information is referred to in Attachments A, B, C, and D, under the column “Justification”, as “1.”

(b) The second subject area concerns information which Allied/CFI considers proprietary and confidential business information involving Allied/CFI’s plans to build a membrane cell chlor-alkali plant. Testimony concerning this subject should be granted confidential classification because public disclosure of the information may or would harm the competitive interests of Allied/CFI. This information has been treated as confidential by the parties to this proceeding and is a subject of the Protective Agreement between the parties. This information has been treated by Allied/CFI as confidential and has not been publicly disclosed. This subject is referred to in Attachments A, B, C, and D as “2.”

(c) The third subject area concerns worked performed by Mr. DeAngelis on a confidential basis involving siting, construction and operation of membrane cell chlor-alkali plant. Testimony concerning this subject should be granted confidential classification because public disclosure of the information may or would harm the competitive interests of Mr. DeAngelis and his

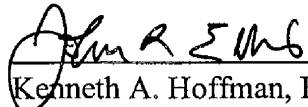
clients, who have treated the information as confidential and have not publicly disclosed it. This subject area is referred to in Attachments A and as "3."

9. Allied/CFI has treated the information for which confidential classification is requested as private, except to the extent ordered by the Commission for the purposes of this litigation, and this information has not been publicly disclosed.

10. The original of this Notice is being filed with the Division of Records and Reporting, and a copy is being served on all parties of record.

WHEREFORE, Allied/CFI request that the Commission enter an Order declaring the information described above and set forth in Attachments A, B, C, and D to be proprietary business information that is entitled to confidential classification for the purposes of this litigation.

Respectfully submitted,



Kenneth A. Hoffman, Esq.

John R. Ellis, Esq.

Rutledge, Ecenia, 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.

One Biscayne Tower, Suite 1616

2 South Biscayne Boulevard

Miami, FL 33131
(786) 425-2960 (Telephone)
(786) 425-2967 (Telecopier)

Attorneys for Allied Universal Corporation and
Chemical Formulators, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Allied/CFI's Request for Confidential Classification was furnished by U. S. mail to the following this 1st day of May 2001.

Robert V. Elias, Esq.
Marlene Stern, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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

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

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

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

Patrick K. Wiggins, Esq.
Katz, Kutter, Haigler, Alderman,
Bryant & Yon, P.A.
106 E. College Avenue
Tallahassee, FL 32301

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



JOHN R. ELLIS

ATTACHMENT A
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF ROBERT M. NAMOFF

From Page : Line	To Page : Line	Justification
15:8	15:10	1
17:20	22:6	1
23:15	24:6	1
31:18	31:24	1
32:9	33:6	1
35:20	36:17	1
37:4	38:13	1
68:17	70:2	1
74:10	74:14	2
75:1	75:5	2
106:2	106:7	1
Conf.vol.6:23	8:16	1
Conf.vol.8:17	13:24	1
116:24	117:16	1
121:3	122:21	1
123:5	124:25	1
126:12	133:12	1
168:13	169:24	2
173:12	174:3	1
175:9	175:17	1
187:16	187:20	1

ATTACHMENT A
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF ROBERT M. NAMOFF

From Page : Line	To Page : Line	Justification
188:9	188:11	1
189:17	190:1	1
190:14	193:2	1
209:3	209:9	2
259:10	261:7	2,3
261:17	262:8	2
264:3	264:22	2
271:6	271:12	2
272:11	272:20	2
274:7	274:10	2
278:13	278:20	2
281:5	281:8	2
281:14	282:21	2
286:12	286:19	2

ATTACHMENT B
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF JAMES W. PALMER

From Page : Line	To Page : Line	Justification
38:23	43:15	1
44:9	52:9	1
56:15	57:13	1
58:8	58:22	1

**ATTACHMENT C
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF PETER DEANGELIS**

From Page : Line	To Page : Line	Justification
34:24	54:5	3
83:15	86:6	3
91:3	93:1	
119:11	134:24	2,3
137:8	138:4	2,3
140:2	140:18	2,3
Exhibit 2		2,3
Exhibit 3		2,3

ATTACHMENT D
DOCKET NO. 000061-EI
DEPOSITION TESTIMONY OF CHARLES F. PHILLIPS, JR.

From Page : Line	To Page : Line	Justification
6:9	11:15	1
11:20	12:19	1
12:24	15:4	1
16:15	16:23	1
31:5	33:10	1
37:21	37:21	1
38:5	43:10	1
49:10	49:10	1
50:18	50:19	1
55:4	55:12	1
60:7	62:13	1
62:22	63:18	1
Exhibit 1		1