

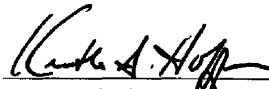
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Allied Universal Corporation and)
Chemical Formulators, Inc.'s Petition to) Docket No. 040086-EI
Vacate Order No. PSC-01-1003-AS-EI)
Approving, as Modified and Clarified, the) Filed: March 12, 2004
Settlement Agreement between Allied)
Universal Corporation and Chemical)
Formulators, Inc. and Tampa Electric)
Company and Request for Additional)
Relief.)
_____)

**ALLIED UNIVERSAL CORPORATION
AND CHEMICAL FORMULATORS, INC.'S
NOTICE OF FILING
PORTION OF TRANSCRIPT OF DEPOSITION
OF PATRICK HENRY ALLMAN, III**

Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI"), by and through its undersigned counsel, hereby files and serves Notice that it has filed a copy of the attached pages from the transcript of the deposition of Patrick Henry Allman, III, taken on November 25, 2003, in a circuit court case styled Allied Universal Corporation and Chemical Formulators, Inc. v. Odyssey Manufacturing Company and Sentry Industries, Inc., Dade County Circuit Court Case No. 01-27699-CA-25.

Respectfully submitted,



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-- and --

DOCUMENT NUMBER-DATE

03445 MAR 12 3

FPSC-COMMISSION CLERK

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Attorneys for Allied Universal Corporation
and Chemical Formulators, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail, this 12th day of March, 2004, to the following:

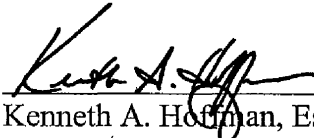
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Kenneth A. Hoffman, Esq.

1 IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIVIL DIVISION

1 APPEARANCES:

3 ALLIED UNIVERSAL CORPORATION,
4 a Florida corporation; and
5 CHEMICAL FORMULATORS, INC.,
6 a Florida corporation,

6 Plaintiffs,

Case No.: 01-27699 CA 25

7 -vs-

8 ODYSSEY MANUFACTURING COMPANY,
9 a Delaware corporation; and
10 SENTRY INDUSTRIES, INC., a
11 Florida corporation,

11 Defendants.

3 On behalf of the Plaintiffs:

4 DANIEL K. BANDKLAYDER, ESQUIRE
5 Anania, Bandklayder, Blackwell,
6 Baumgarten & Torricella
7 Bank of America Tower, Suite 4300
8 100 S.E. Second Street
9 Miami, Florida 33131
10 (305) 373-4900

8 Also Present:

9 Michael Koven, representative of
10 Allied Universal Corporation

12 On behalf of the Defendants

13 GLENN N. SMITH, ESQUIRE
14 Ruden McClosky
15 200 East Broward Boulevard
16 Post Office Box 1900
17 Fort Lauderdale, Florida 33301
18 (954) 527-2466

14 DEPOSITION OF: PATRICK HENRY ALLMAN, III
15 TAKEN: Pursuant to Notice
16 DATE: November 25, 2003
17 TIME: Commencing at 10:12 a.m.
18 Concluded at 4:53 p.m.
19 PLACE: 2700 SunTrust Financial Centre
20 401 Jackson Street
21 Tampa, Florida 33602
22 REPORTED BY: BETH L. BILLINGS, RPR
23 Notary Public
24 State of Florida at Large

24 STENOGRAPHICALLY RECORDED (ORIGINAL)
25 COMPUTER-AIDED TRANSCRIPTION (COPY)

INDEX TO PROCEEDINGS

Witness or Proceedings Page

PLAINTIFF'S WITNESSES

PATRICK HENRY ALLMAN, III
Direct Examination by Mr. Bandklayder..... 4

EXHIBITS RECEIVED IN EVIDENCE

Plaintiff's Exhibits

Table with 3 columns: NO., DESCRIPTION, PAGE. Contains 11 entries of exhibits.

PROCEEDINGS

Thereupon,
PATRICK HENRY ALLMAN, III,
having been first duly sworn to tell the truth, the
whole truth, and nothing but the truth, testified as
follows:

DIRECT EXAMINATION

BY MR. BANDKLAYDER:

- Q. Please state your full name.
A. Patrick Henry Allman, III.
Q. And your current residence address, please.
A. 707 South Packwood Avenue, that's Tampa,
Florida 33606.
Q. And your -- where are you working?
A. General manager, Odyssey Manufacturing.
Q. And for how long have you been working there?
A. Four years, ten months.
Q. Prior to that you worked at Tampa Electric
Company?
A. Yes.
Q. For how long?
A. October 1990 through January 31st, 1999.
Q. Okay. And that was -- was that full-time
employment while you were at TECO?
A. Yes.

1 A. I believe they did. I don't know for sure.
 2 Q. That's Montenay?
 3 A. Power, right.
 4 Q. Where in Miami is that?
 5 A. I'm not sure. I have never been there.
 6 Q. Why didn't Sentry just sell to them?
 7 A. They -- Sentry and Odyssey, as I said,
 8 previously operated as independent businesses. I got
 9 the lead, and I followed up on it, and I wanted to sell
 10 the bleach there. There is no barrier to selling
 11 bleach in Miami. We sell bleach -- if it's an
 12 industrial water or wastewater plant, we will sell
 13 bleach. Doesn't matter where they are located.
 14 Q. All right. But, I mean, obviously it would
 15 be cheaper for Sentry to sell to them since Sentry is
 16 there and it's a batch plant and there is less
 17 transportation cost; right?
 18 A. Assuming Odyssey and Sentry operated as one
 19 company, yes, but we don't. Odyssey wants to make
 20 money, so we are going to sell to as many customers as
 21 we can.
 22 Q. Regarding the three companies that you
 23 mentioned as potential CISR candidates, IRC we know
 24 didn't work out. They went to Savannah. Desalination
 25 plant you are telling us you are not sure whether they

1 got it or not; right? And National Gypsum, did they
 2 ever get a CISR contract?
 3 A. I don't know. But they relocated to Tampa
 4 Electric's site.
 5 Q. Where is that?
 6 A. The Big Bend Power Station.
 7 Q. Okay. Why was it so important for you to get
 8 a prototype CISR customer, for lack of a better term,
 9 while you were there?
 10 A. Because we had made commitments to both
 11 National Gypsum and the desal plant that were
 12 strategically extremely important to us. We had -- we
 13 had no way -- when I was at Tampa Electric Company, we
 14 had millions of tons of gypsum every year and if
 15 National Gypsum didn't take it and pay us for it, we
 16 were stuck with all this gypsum we had nothing to do
 17 with. We had -- there is two gypsum companies in
 18 Florida. One was here in Tampa; one was in
 19 Jacksonville. National Gypsum was looking at
 20 relocating because their facility was old. If they
 21 relocated and went out of the state, we would be dead
 22 because trucking that gypsum would cost us a fortune.
 23 We had to do whatever it took to entice them to not
 24 only stay here, but it made a lot of sense
 25 trucking-wise to be right next to us so that they could

1 just send over the gypsum on a conveyor belt, as
 2 opposed to trucking it.
 3 Q. So what was the reason that National Gypsum
 4 couldn't just get its own CISR without you having
 5 pushed the Odyssey deal as a prototype?
 6 A. We felt that the more -- the more the
 7 business relationship was that wasn't pure -- the more
 8 the business relationship was because we were going to
 9 swap land with them because we had a byproducts
 10 agreement with them for them to purchase the gypsum, we
 11 felt that that would confuse the Public Service
 12 Commission and cause the deal to get more scrutiny. So
 13 we felt if we got a CISR customer that was purely
 14 electricity, the goal was to have PSC audit that one
 15 and approve us without any -- without a large measure
 16 of oversight to other deals. And our thought was that
 17 that deal wouldn't -- the second and third deal
 18 wouldn't receive near the same level of scrutiny. And
 19 we did not want to get into the public counsel saying
 20 that the land that was given to National Gypsum was
 21 given way below market value or any of the other
 22 problems that we could have run into.
 23 Q. Who was the account rep that handled the
 24 National Gypsum account?
 25 A. I don't remember. It was probably Don

1 Mestas. He was a director, so he relied on people like
 2 me to help him.
 3 Q. Director of the company?
 4 A. He was a director. That was his title. He
 5 was fairly senior in management of the Tampa Electric
 6 Company. So whereas he did most of the face to face
 7 with the customer, he relied on people like me to help
 8 him with the nuts and bolts and manage the project
 9 internally.
 10 Q. Was he involved in any way in the Odyssey
 11 contract?
 12 A. No. He was only involved in projects that
 13 had significant political importance to Tampa Electric
 14 Company, which National Gypsum did, products that
 15 involve -- or companies that involve cogeneration or
 16 companies that there were large by-product sales
 17 associated with it.
 18 Q. While you were at TECO during the year 1998,
 19 let's say, did you have a resume that, you know, you
 20 could use for prospective employers?
 21 A. I don't remember. I don't think I did
 22 because after Sentry and Odyssey hired me, the bankers
 23 wanted to see my resume. And I remember vaguely having
 24 to put one together for them. So I don't think I had a
 25 resume.