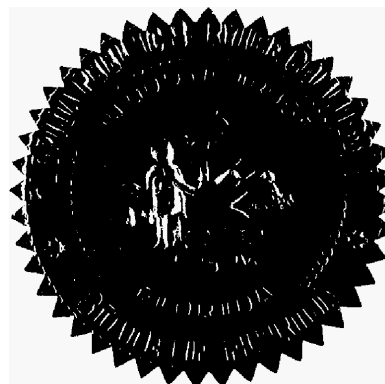


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 040086-EI

In the Matter of:

PETITION TO VACATE ORDER NO.  
PSC-01-1003-AS-EI APPROVING, AS  
MODIFIED AND CLARIFIED, THE  
SETTLEMENT AGREEMENT  
BETWEEN ALLIED UNIVERSAL CORPORATION  
AND CHEMICAL FORMULATORS, INC. AND  
TAMPA ELECTRIC COMPANY AND REQUEST  
FOR ADDITIONAL RELIEF, BY  
ALLIED UNIVERSAL CORPORATION  
AND CHEMICAL FORMULATORS, INC.



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PROCEEDINGS:           AGENDA CONFERENCE  
ITEM NO. 6

BEFORE:               CHAIRMAN BRAULIO L. BAEZ  
COMMISSIONER J. TERRY DEASON  
COMMISSIONER RUDOLPH "RUDY" BRADLEY  
COMMISSIONER CHARLES M. DAVIDSON

DATE:                 October 19, 2004

PLACE:                Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY:         JANE FAUROT, RPR  
Chief, Office of Hearing Reporter Services  
FPSC Division of Commission Clerk and  
Administrative Services  
(850) 413-6732

1 PARTICIPATING:

2           MARTHA BROWN, ESQUIRE, representing the Florida  
3 Public Service Commission Staff.

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CHAIRMAN BAEZ: Commissioners, we are now on Item 6.

MS. BROWN: Commissioners, Item 6 is staff's recommendation to dismiss Allied's amended petition for failure to state a cause of action upon which the Commission can grant the relief requested. Issue 1 is staff's recommendation on oral argument. We recommended that the Commission hear oral argument, but that is fully within your discretion. We suggest fifteen minutes a side.

CHAIRMAN BAEZ: Commissioners, we can at least Issue 1 up separately, and your thoughts on --

COMMISSIONER DAVIDSON: Chairman, I'm actually going to move to deny the Staff rec on Issue 1. Just as one Commissioner, I see no need for oral argument. The recommendation fully lays out the positions of the parties that have filed recalling these issues. Spending a lot more time on this dispute between two competing bleach companies, I think, is a waste of the Commission's time and taxpayer dollars. It is a matter for the courts, and, in fact, this issue is before the court. I think we have all that we need to decide this issue before us. So with that, I'm moving to deny staff on Issue 1.

CHAIRMAN BAEZ: Thank you, Commissioner.

There is a motion. Is there a second.

COMMISSIONER BRADLEY: Second.

1 CHAIRMAN BAEZ: There is a motion and a second. This  
2 should be interesting. All those in favor say aye.

3 COMMISSIONER DAVIDSON: Aye.

4 COMMISSIONER BRADLEY: Aye.

5 CHAIRMAN BAEZ: Aye.

6 COMMISSIONER DEASON: Nay.

7 CHAIRMAN BAEZ: Thank you, Commissioner.

8 COMMISSIONER DAVIDSON: Chairman, move staff on the  
9 remaining issues.

10 CHAIRMAN BAEZ: Move staff on remaining issues.

11 COMMISSIONER DEASON: I can second the motion. And  
12 let me say that I agree with Commissioner Davidson that the  
13 staff did an excellent job with the analysis and the  
14 recommendation, and I'm in agreement with staff's  
15 recommendation.

16 I guess in an abundance of caution, I was just going  
17 to give the parties an opportunity to at least address it, and  
18 maybe change my mind to some extent. But we are not going to  
19 have that, and I can second the motion. Based upon my review  
20 of staff's recommendation, they have done a very excellent job  
21 and made a correct analysis, and I'm in agreement with it.

22 CHAIRMAN BAEZ: Commissioner Deason, I would join you  
23 in kudos to staff for breaking it down for us.

24 COMMISSIONER DAVIDSON: It's a good rec.

25 CHAIRMAN BAEZ: It's a tough decision not to hear

1 these motions, at least for me, personally, but I think I heard  
2 what Commissioner Davidson said. And the truth is, by my count  
3 I think this is perhaps the fourth or fifth time that we  
4 have -- me, personally, I don't know about any of the rest of  
5 you, and so it becomes a very repetitive issue for us. But I  
6 would join you, as well, in thanking staff for the work they  
7 did.

8           There is a motion an a second, Commissioners, on all  
9 remains items. All of those in favor say aye.

10           (Simultaneous affirmative vote.)

11           CHAIRMAN BAEZ: Thank you all. Thank you, Staff.

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1 STATE OF FLORIDA )

2 CERTIFICATE OF REPORTER

3 COUNTY OF LEON

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5 I, JANE FAUROT, RPR, Chief, Office of Hearing  
6 Reporter Services, FPSC Division of Commission Clerk and  
7 Administrative Services, do hereby certify that the foregoing  
8 proceeding was heard at the time and place herein stated.

9  
10 IT IS FURTHER CERTIFIED that I stenographically  
11 reported the said proceedings; that the same has been  
12 transcribed under my direct supervision; and that this  
13 transcript constitutes a true transcription of my notes of said  
14 proceedings.

15  
16 I FURTHER CERTIFY that I am not a relative, employee,  
17 attorney or counsel of any of the parties, nor am I a relative  
18 or employee of any of the parties' attorney or counsel  
19 connected with the action, nor am I financially interested in  
20 the action.

21  
22 DATED THIS 26th day of October, 2004.

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JANE FAUROT, RPR  
Chief, Office of Hearing Reporter Services  
FPSC Division of Commission Clerk and  
Administrative Services  
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