

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Allied
Universal Corporation and
Chemical Formulators, Inc.
Against Tampa Electric Company
for violation of Sections
366.03, 366.06(2) and 366.07,
F.S., 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
ORDER NO. PSC-00-1888-CFO-EI
ISSUED: October 16, 2000

ORDER GRANTING IN PART AND DENYING IN PART REQUEST FOR
CONFIDENTIAL TREATMENT OF DOCUMENT NO. 07872-00

On January 20, 2000, Allied Universal Corporation and Chemical Formulators, Inc. (Allied) filed a formal complaint against Tampa Electric Company (TECO). The complaint alleges that: 1) TECO violated Sections 366.03, 366.06(2), and 366.07, Florida Statutes, by offering discriminatory rates under its Commercial/Industrial Service Rider (CISR) tariff; and, 2) TECO breached its obligation of good faith under Order No. PSC-98-1081A-FOF-EI. On March 28, 2000, Odyssey Manufacturing Company (Odyssey) requested permission to intervene, and that request was granted on April 18, 2000, in Order No. PSC-00-0762-PCO-EI.

On June 28, 2000, Tampa Electric Company filed, pursuant to Section 366.093, Florida Statutes, a request for confidential classification of portions of the Prepared Direct Testimony of Lawrence W. Rodriguez, Document No. 07872-00.

The specific portions of the testimony for which TECO requests confidential classification are as follows:

- (1) Page 3, starting on line 8 through Page 11, line 13

Section 366.093, Florida Statutes, defines "proprietary confidential business information" as:

[I]nformation, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless

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disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

TECO states that it deems the above referenced portion of the testimony as confidential. Staff notes that TECO requested confidentiality for the entire testimony starting on Page 3.

I find that the following pages and lines meet the confidentiality criteria of Section 366.093, Florida Statutes:

- (1) The numerical values in line 10 on Page 6
- (2) The numerical value in line 18 on Page 7
- (3) Page 7, line 19 (beginning after the period) through line 22
- (4) Page 8, line 6 through line 22
- (5) The numerical value in line 10 on Page 9
- (6) Page 10, lines 6 through 11
- (7) Page 10, lines 17 through 19

This information contains specific details regarding TECO's negotiations with Allied pursuant to TECO's CISR tariff. All items identified as numerical values reference rate offerings by TECO or Georgia Power to Allied. Public disclosure of this specific information would harm TECO's ability to negotiate future Contract Service Agreements under the CISR tariff that are favorable to TECO and its ratepayers. In addition, both Allied and TECO treat this information as private. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, the confidentiality granted to this material expires in eighteen months, unless a renewed request for confidentiality is filed.

Portions of the testimony that were not identified above are denied confidential classification. Those portions discuss, in general terms, the CISR negotiations between TECO and Allied. Similar information can be found beginning on Page 7 of the Direct Testimony of Robert M. Namoff on behalf of Allied as filed on February 21, 2000. Allied did not request confidentiality for that information. The information is therefore public and can not be confidential.

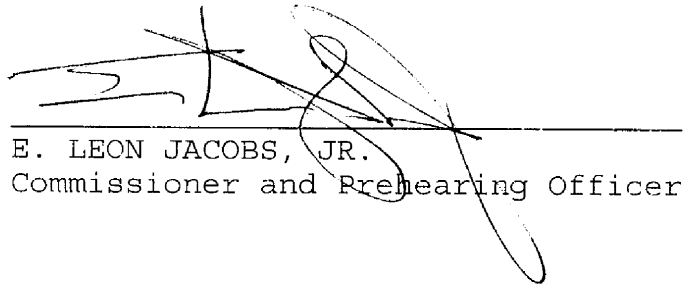
Based on the foregoing, it is therefore

ORDERED by E. Leon Jacobs, Jr., as Prehearing Officer, that the request by Tampa Electric Company for confidential treatment of information in Document No. 07872-00 is granted in part and denied in part as described in the body of this order. It is further

ORDERED that pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, any confidentiality granted to the material specified herein shall expire eighteen (18) months from the date of the issuance of this Order, unless of a renewed request for confidentiality is filed in accordance with Section 366.093(4), Florida Statutes. It is further

ORDERED that this Order will be the only notification by the Commission to the parties concerning the expiration of the confidentiality time period.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 16th Day of October, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially

interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.