

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.

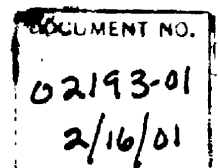
DOCKET NO. 000061-EI
ORDER NO. PSC-01-0399-PCO-EI
ISSUED: February 16, 2001

ORDER GRANTING MOTION FOR AUTHORIZATION TO DISCLOSE CONFIDENTIAL INFORMATION PURSUANT TO PROTECTIVE AGREEMENT

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. Odyssey Manufacturing Company (Odyssey) and Sentry Industries (Sentry) are intervenors. They are separate companies but have the same president. Allied, Odyssey and Sentry manufacture bleach.

On February 14, 2001, Odyssey filed a Motion for Authorization to Disclose Confidential Information Pursuant to Protective Agreement. Allied filed a response in opposition on February 15, 2001.

Odyssey states that it needs assistance in preparing for the hearing because the issues are complex and because discovery was not concluded until shortly before the hearing date. Odyssey requests that two additional lawyers from a single firm be allowed to sign a non-disclosure agreement and review confidential information from this docket.



Allied objects to the two attorneys participating in the hearing, but does not otherwise object to the attorneys signing the non-disclosure agreement and reviewing confidential documents. Allied states that its objection is based on the fact that the attorneys would be starting participation at a late date and that there are already many lawyers and witnesses participating in the hearing.

Allied requests that if the motion is granted that the parties be allowed to consult with additional attorneys, without seeking Commission approval, provided the attorneys are licensed to practice in Florida and sign the non-disclosure agreement.

The issues in this docket are complex and the volume of information to review is large. The need for assistance is understandable and there is no indication that any party will be harmed if Odyssey's motion is granted.

With respect to Allied's request, the right of a party to file a motion for authorization or opposing authorization in this proceeding can not summarily be limited by order. To the extent the parties agree on authorizing participation of additional attorneys, there is no need to seek a ruling on the issue. However, if the parties disagree, they are entitled to seek a ruling. Therefore, Allied's request is denied.

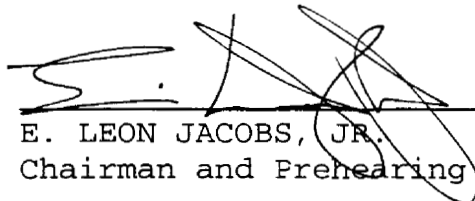
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Motion for Authorization to Disclose Confidential Information Pursuant to Protective Agreement filed by Odyssey Manufacturing Company is granted. It is further

ORDERED that the Request of Allied Universal Corporation and Chemical Formulators, Inc., to allow any qualified attorney review confidential documents in this proceeding is denied.

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By ORDER of Chairman E. Leon Jacobs, Jr. as Prehearing Officer, this 16th day of February, 2001.



E. LEON JACOBS, JR.
Chairman and Prehearing Officer

(S E A L)

MKS

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

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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.