

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-01-2513-PCO-EI
ISSUED: December 24, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER DISCONTINUING QUARTERLY REPORTS AND CLOSING DOCKET

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. The Commission approved a settlement agreement in this docket on April 3, 2001.

This Order addresses: 1) whether TECO should stop filing quarterly CISR reports; and, 2) whether the docket should be

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closed. We have jurisdiction pursuant to Sections 366.03, 366.06 and 366.07, Florida Statutes.

I. QUARTERLY CISR REPORTS

When we approved TECO's petition for a CISR tariff, we required TECO to file two types of reports: 1) quarterly monitoring reports; and, 2) a confidential supplement to the monthly surveillance report that reports the difference between the revenues that would have been produced by TECO's otherwise applicable tariff and the revenues that are produced under the CISR (revenue shortfall). See Order No. PSC-98-1081-FOF-EI, issued August 10, 1998 in Docket No. 980706-EI.

The quarterly reports provide information such as the number of contract service agreements (CSAs) requested, number of CSA prices quoted, number of CSA offers accepted/rejected, number of CSA offers awaiting decision by customers, a brief description of CSAs executed during the quarter, and the cumulative total revenues associated with all executed CSAs.

As part of our approval of the settlement agreement, we found that Allied's and Odyssey's CSAs are prudent and provide benefits to the general body of ratepayers. In light of that finding TECO is no longer required to report the revenue shortfall of the two CSAs on its monthly surveillance reports. TECO is still required to provide the revenue shortfall associated with any subsequently executed CSAs until a prudence review of the subsequent CSAs has been conducted. See Order No. PSC-01-1003-AS-EI, issued April 24, 2001 in Docket No. 000061-EI.

Based on our finding of prudence with respect to TECO's two executed CSAs and the fact that TECO is no longer required to report the revenue shortfall of its two CSAs, we find that it is also no longer necessary for TECO to provide quarterly reports. In addition, we find that the quarterly reports only provide meaningful information when TECO executes a CSA. To that end, TECO shall be required to notify this agency when it executes a new CSA and provide a description of the CSA, including the rates, terms and conditions, and the justification for the offering. TECO shall provide this information within 30 days after executing the CSA.

II. CLOSING THE DOCKET

At the April 3, 2001, Agenda Conference we disposed of the Complaint by approving a Settlement Agreement. For two reasons the docket could not be closed upon the issuance of an order approving the agreement.

First, the Agreement included a provision for creating an evidentiary record consisting of all prefiled testimony, all deposition transcripts and all of TECO's discovery responses. After the settlement, many of the documents in the record had to be reviewed for confidentiality, and the parties filed numerous confidentiality requests. The requests had to be addressed before the docket could be closed.

Second, before the Agreement was approved, Odyssey had filed a Motion to Strike some of the testimony which was ordered to be moved into the evidentiary record. The docket had to stay open until the Motion was disposed of.

Odyssey withdrew its Motion on April 20, 2001, and all the confidentiality requests have been addressed. Nothing remains to be addressed in this docket and it shall be closed.

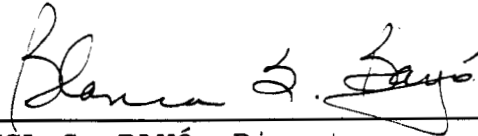
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tampa Electric Company (TECO) shall no longer be required to file quarterly monitoring reports, as required in Order No. PSC-98-1081-FOF-EI. Within 30 days of executing any new contract service agreement (CSA), TECO shall notify the Commission of such action and shall provide a description of the CSA, including the rates, terms and conditions, and the justification for the offering. In addition, if TECO enters into any new CSAs TECO shall resume submittal of monthly surveillance reports to report the difference between the revenues that would have been produced by TECO's otherwise applicable tariff and the revenues that are produced under the CISR (revenue shortfall), as was required in Order No. PSC-98-1081-FOF-EI. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 24th
Day of December, 2001.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(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)

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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 the Commission Clerk and Administrative Services, 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.