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February 14, 2000

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Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Complaint of Allied Universal Corporation Chemical Formulators, Inc., against Tampa Electric Company; Docket No. 000061-EI

Dear Ms. Bayo:

Enclosed for filing on behalf of Tampa Electric Company are the originals and fifteen (15) copies of each of the following:

1. Tampa Electric Company's Answer to Complaint and Response to Request filed on behalf of Allied Universal Corporation and Chemical Formulators, Inc. 01935-00
2. Tampa Electric Company's Motion for Protective Order, Request for Approval of Proposed Procedures for a Disposition of this Proceeding Without Disclosing Confidential Information and Summary Disposition. 01936-00
3. Tampa Electric Company's Response, Motion for Protective Order and Objections to Allied Universal Corporation's and Chemical Formulators, Inc.'s First Set of Interrogatories to Tampa Electric Company (Nos. 1-11). 01937-00
4. Tampa Electric Company's Response, Motion for Protective Order and Objections to Allied Universal Corporation's and Chemical Formulators, Inc.'s First Request for Production of Documents to Tampa Electric Company (Nos. 1-18). 01938-00
5. Tampa Electric Company's Objection and Motion for Protective Order Pertaining to Notice of Deposition and Request for Production. 01940-00
6. Tampa Electric Company's Response to Allied/CFI's Motion for Expedited Responses to Discovery Requests. 01939-00
7. Tampa Electric Company's Issues. 01941-00

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Allied Universal Corporation and)
Chemical Formulators, Inc. against Tampa Electric)
Company)
_____)
DOCKET NO. 000061-EI
FILED: February 14, 2000

**TAMPA ELECTRIC COMPANY'S ANSWER TO COMPLAINT
AND RESPONSE TO REQUEST FILED ON BEHALF OF ALLIED
UNIVERSAL CORPORATION AND CHEMICAL FORMULATORS, INC.**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rules 28-106.203 and 25-22.00(7)(a), Florida Administrative Code, files this its Answer to Complaint, Response to Petition and Response to the request filed on January 20, 2000 on behalf of Allied Universal Corporation ("Allied") and Chemical Formulators, Inc. ("CFI"), collectively referred to as Allied/CFI, Complainants or Petitioners.

Preliminary Statement

Tampa Electric categorically denies the serious allegations of favoritism and wrongdoing that Allied and CFI have seen fit to so liberally incorporate in their initial pleading in this docket. Tampa Electric specifically denies having given any undue or unreasonable preference or advantage to any person or having subjected any person to any unreasonable prejudice or disadvantage, notwithstanding the unfounded allegations to the contrary Allied and CFI have included in their Complaint.

DOCUMENT NUMBER-DATE

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Tampa Electric at all times has negotiated in good faith with Allied and CFI and has attempted to accommodate the concerns and desires of these parties consistent with the best interests of Tampa Electric's general body of ratepayers.

Tampa Electric's approved Commercial/Industrial Service Rider ("CISR") tariff allows Tampa Electric to negotiate appropriate base energy and/or base demand charges with Commercial/Industrial customers who can show that they have viable alternatives to taking electric service from Tampa Electric. The purpose for this flexibility is not to do favors for large customers, but to ensure that all of the company's customers enjoy the benefits of a contribution to fixed costs that an at risk customer might not otherwise make to the system in the absence of a negotiated rate. In administering the CISR Tampa Electric has made every effort to exercise its judgment in a fair and sound way to maximize the benefits of this tariff rider for all of its customers.

During the course of negotiations Allied and CFI have attempted to obtain from Tampa Electric information about or copies of the proprietary and confidential CISR Contract Service Agreement ("CSA") and the rates, terms and conditions contained therein negotiated by and between Tampa Electric and a customer that Allied/CFI characterizes as their business competitor, Odyssey Manufacturing Company ("Odyssey"). Tampa Electric has refused to divulge the requested information. The information Odyssey supplied to Tampa Electric in connection with the CISR negotiations, like that supplied by Allied/CFI, is subject to strict provisions against public disclosure in written confidentiality agreements between Tampa Electric and the customers. Allied and CFI now endeavor to obtain that information through the Commission. Allied and CFI on the one hand underscore in their Complaint the highly competitive nature of their industry, yet on the other hand attempt to use the regulatory process

to gather intelligence on what they claim to be a key cost component of their competitor. This is wrong and the Commission should reject Allied and CFI's attempt to use the process to gain a competitive advantage, much the same as the Commission would reject the efforts of a competitor to gather proprietary information concerning Allied and CFI's operations.

The need for confidential protection of the terms and conditions of negotiated CISR CSAs is explained in the separate response Tampa Electric filed on February 4, 2000, and will be readdressed in objections and motions for protective orders Tampa Electric will file in response to Allied/CFI's discovery requests. Tampa Electric is very willing to present to the Commission, on a confidential basis, information that will substantiate that the company has at all times acted in good faith, without delay, and has not favored one CISR customer over another. An all important preface to such presentation is the need to insure that the confidential terms and conditions of the CSA Tampa Electric entered into with Odyssey and the terms and conditions of the CSA proposal presented to Allied/CFI are not disclosed to anyone other than to the Commission and its Staff on a confidential basis.

Tampa Electric now turns to the three part initial pleading of Allied and CFI and states in response thereto:

I. TAMPA ELECTRIC'S ANSWER TO THE COMPLAINT

1. The name and address of the Respondent are:

Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601

2. All notices, orders, pleadings, discovery and correspondence regarding this proceeding should be furnished to the following on behalf of Tampa Electric:

Lee L. Willis
James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115
(850) 222-7952 (fax)

Angela L. Llewellyn
Administrator, Regulatory Coordination
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601
(813) 228-1752
(813) 228-1770 (fax)

3. Tampa Electric admits the allegations of paragraph 4 of the Complaint.
4. With respect to paragraph 5 of the Complaint, Tampa Electric admits providing electric service to CFI under the company's GSD tariff but is without knowledge as to the remaining allegations of said paragraph 5.
 5. With respect to paragraph 6 of the Complaint, Tampa Electric admits that Allied/CFI have requested rates under Tampa Electric's CISR tariff for Allied/CFI's proposed new chlorine and liquid chlorine bleach manufacturing facilities that Allied/CFI claim is to be constructed and operated by Allied at CFI's existing plant in Tampa, Florida. The balance of paragraph 6 of the Complaint consists of Allied/CFI's characterization of the subject of the Complaint. Tampa Electric denies the existence of any basis in law or in fact for Allied/CFI's Complaint.
6. Paragraph 7 of the Complaint paraphrases a portion of Section 366.03, Florida Statutes. Tampa Electric asserts that Section 366.03, Florida Statutes, speaks for itself.
7. Paragraph 8 of the Complaint paraphrases Section 366.06(2), Florida Statutes, and Tampa Electric asserts that said subsection of the statute speaks for itself.
8. Paragraph 9 of the Complaint paraphrases Section 366.07, Florida Statutes, as applied to Tampa Electric and draws conclusions regarding a decision of the Supreme Court of Florida. Tampa Electric asserts that the statute and the case law speak for themselves.

9. Paragraph 10 of the Complaint paraphrases this Commission's Order No. PSC-98-1081A-FOF-EI, issued August 27, 1998 in Docket No. 980706-EI. Tampa Electric asserts that this order, likewise, speaks for itself.

10. While Tampa Electric has some general familiarity with the manufacture of chlorine, chlorine bleach and related products, the company has not independently verified all of the various factual details alleged in paragraphs 10 through 15 of the Complaint. Therefore, Tampa Electric is without sufficient knowledge as to those allegations and demands strict proof thereof.

11. With respect to Paragraph 16 of the Complaint Tampa Electric admits the allegations of the first two sentences of said paragraph. The third sentence thereof characterizes provisions of a prior Commission order and Tampa Electric denies that the characterization is accurate and complete, but asserts that the prior Commission order says what it says.

12. Paragraph 17 of the Complaint characterizes a Commission order, Order No. PSC-98-1081-FOF-EI, issued August 10, 1998 in Docket No. 980706-EI. Tampa Electric asserts that such order speaks for itself, although Tampa Electric denies the appropriateness of Allied/CFI's characterization of that order.

13. Paragraph 18 of the Complaint sets forth inappropriate legal argument and observations. Tampa Electric denies the relevance of the allegations of Paragraph 18 of the Complaint.

14. Tampa Electric denies the allegations of Paragraph 19 of the Complaint, especially the insinuations of wrongdoing set forth toward the end of said paragraph.

**II. RESPONSE TO PETITION TO EXAMINE
AND INSPECT CONFIDENTIAL INFORMATION**

15. Tampa Electric separately filed on February 4, 2000 its Response to Petition to Examine and Inspect Confidential Information.

III. RESPONSE TO REQUEST FOR EXPEDITED RELIEF

16. Tampa Electric denies having unreasonably delayed any negotiations with Allied/CFI. This is simply Allied/CFI's characterization of Tampa Electric's unwillingness to give Allied/CFI greater concessions than Tampa Electric concluded were reasonable from the standpoint of Tampa Electric's general body of ratepayers.

17. At any rate, this proceeding has already been assigned an extremely expedited schedule with a prehearing conference in this matter for March 17 followed by a hearing on April 5, 2000. In essence, the Commission has already granted Allied/CFI's request.

WHEREFORE, Tampa Electric submits the foregoing in response to the Complaint and Request filed on behalf of Allied/CFI. Tampa Electric urges the Commission, after consideration of the facts, to find and declare that Tampa Electric has acted in good faith in its negotiations with Allied/CFI and to deny or reject the Complaint and Petition filed on behalf of Allied/CFI for the reasons set forth above.

DATED this 14th day of February, 2000.

Respectfully submitted,

HARRY W. LONG, JR.
Chief Counsel
TECO Energy, Inc.
Post Office Box 111
Tampa, FL 33601
(813) 228-4111

and



LIE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Answer to Complaint, Response to Petition and Response to Request filed by Allied/CFI, filed on behalf of Tampa Electric Company, has been furnished by hand delivery(*) or U. S. Mail this 14th day of February 2000 to the following:


Robert V. Elias*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Allied Universal Corporation
8350 N. W. 93rd Street
Miami, FL 32166-2026

Chemical Formulators, Inc
5215 West Tyson Avenue
Tampa, FL 33611-3223

Ms. Marlene K. Stern*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Kenneth Hoffman
Mr. John Ellis
Rutledge Law Firm
Post Office Box 551
Tallahassee, FL 32302



ATTORNEY

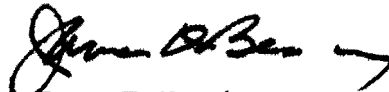
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Ms. Blanca S. Bayo
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Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/bjd
Enclosures
cc: All Parties of Record (w/encls.)