

# AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

March 2, 2000

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RECORDS AND  
REPORTING

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RECEIVED-FPSC

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

Re: Complaint of 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 and Petition to Examine and Inspect Confidential Information and Request for Expedited Relief; FPSC Docket No. 000061-EI

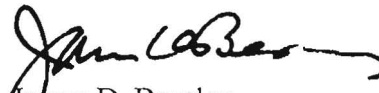
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Response in Opposition to Allied/CFI's Emergency Motion Regarding Discovery.

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

Thank you for your assistance in connection with this matter.

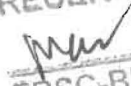
Sincerely,

  
James D. Beasley

AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAP \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 2 \_\_\_\_\_  
MAS 3 \_\_\_\_\_  
OPC \_\_\_\_\_  
RRR \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
WAW \_\_\_\_\_  
OTH \_\_\_\_\_

JDB/pp  
Enclosures

cc: All Parties of Record (w/enc.)

RECEIVED & FILED  
  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02816 MAR-28

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Allied Universal Corporation and  
Chemical Formulators, Inc. against Tampa Electric  
Company.

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) DOCKET NO. 000061-EI  
) FILED: March 2, 2000  
)  
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ORIGINAL

**TAMPA ELECTRIC COMPANY'S  
RESPONSE IN OPPOSITION TO ALLIED/CFI'S  
EMERGENCY MOTION REGARDING DISCOVERY**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.204(1), Florida Administrative Code, responds as follows in opposition to the emergency motion filed on behalf of Allied Universal Corporation ("Allied") and Chemical Formulators, Inc. ("CFI") on March 1, 2000:

1. Allied/CFI's emergency motion seeks to take depositions of two Tampa Electric employees regarding Contract Service Agreement ("CSA") negotiations pursuant to Tampa Electric's Commercial Industrial Service Rider ("CISR") tariff. Tampa Electric has pending before the Commission motions for protective orders detailing the confidential nature of the information about which Allied/CFI seeks to inquire. Specifically, Tampa Electric has pending before the Commission an objection and motion for a protective order to prevent Allied/CFI from deposing Tampa Electric witnesses concerning the CSA negotiations.

2. The confidential nature of the CSA negotiations is described in detail in Tampa Electric's pending motions for protective orders. The company's own Commission approved CISR tariff specifically states that such information is confidential and shall be reviewed only by the Commission and its Staff. Tampa Electric also has pending before the Commission a proposal under which the company would present to the Commission and its Staff a full

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explanation of the details regarding CSA negotiations with Allied/CFI and Odyssey Manufacturing Company.

3. Allied/CFI's emergency motion misinterprets Commission Order No. PSC-00-0392-PCO-EI, the order establishing procedure that was issued February 23, 2000 in this proceeding. Such order makes clear at page 2 thereof that Tampa Electric has pending an objection and motion for protective order pertaining to Allied/CFI's notice of deposition and request for production. The order makes clear it does not dispose of Tampa Electric's pending objection and motion for protective order.

4. Allied/CFI's emergency motion states, at paragraph 5, that the proposed deposition testimony shall be given subject to execution of an appropriate protective agreement. As Tampa Electric has pointed out in its pending motions for protective orders, no protective agreement or non-disclosure agreement can appropriately protect information concerning CSA negotiations. This is particularly true in the case of Tampa Electric's negotiations with industrial customers in an industry that Allied/CFI's own pleadings describe as highly competitive.


WHEREFORE, Tampa Electric submits the foregoing in opposition to Allied/CFI's emergency motion pertaining to discovery and urges the Commission to deny such motion.

DATED this 2<sup>nd</sup> day of March 2000.

Respectfully submitted,

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

and

  
\_\_\_\_\_  
LEE 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 Response in Opposition to Allied/CFI's Emergency Motion, filed on behalf of Tampa Electric Company, has been furnished by hand delivery(\*) or U. S. Mail this 2<sup>nd</sup> day of March, 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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