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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: March 28, 2000

PETITION FOR LEAVE TO INTERVENE

ODYSSEY MANUFACTURING COMPANY (Odyssey), pursuant to Rule 28-106.205, F.A.C., petitions the Commission for leave to intervene in this proceeding, and in support of its petition states the following:

1. The name, address and telephone number of the Petitioner are:

Odyssey Manufacturing Company
5687 N.W. 36th Avenue
Miami, FL 33142
(305) 638-0800

2. The name, address and telephone number of the Petitioner's representatives in this proceeding are:

Patrick K. Wiggins
Wayne L. Schiefelbein
Wiggins & Villacorta, P.A.
P.O. Drawer 1657
Tallahassee, FL 32302
(850) 385-6007
(850) 385-6008 (facsimile)

3. Petitioner is a competitor of Allied Universal Corporation and Chemical Formulators, Inc. (Allied/CFI), in the manufacture of liquid chlorine bleach.

4. Allied/CFI initiated this proceeding by filing a Complaint against Tampa Electric Company (Tampa Electric), alleging discrimination in rates for electric service offered to Allied/CFI for a proposed plant under Tampa Electric's

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commercial/industrial service rider (CISR) tariff, and the CISR tariff rates agreed to between Tampa Electric and Petitioner for Petitioner's new plant, which is currently under construction.

5. Allied/CFI seek the suspension of the CISR tariff rate established by a Contract Service Agreement (CSA) entered into between Tampa Electric and Petitioner. Petitioner's substantial interests are subject to determination or will be affected in that the Commission will determine whether Petitioner may obtain or continue to obtain electric service under terms and conditions, and at a rate, acceptable to the Petitioner.

6. Allied/CFI seek to examine and inspect the CSA entered into between Tampa Electric and Petitioner, and any and all documentation supporting the CISR tariff rates established thereunder, including documentation demonstrating that Petitioner met all requirements and preconditions of the CISR tariff, and documentation supporting Tampa Electric's determination of its incremental cost to serve Petitioner. Allied/CFI's examination and inspection of such documents and documentation would violate the confidentiality provision of Tampa Electric's CISR tariff, as approved by the Commission in August, 1998, which provides:

The CSA shall be considered a confidential document. The pricing levels and procedures described within the CSA, as well as any information supplied by the customer through the energy audit or as a result of negotiations or information requests by the Company and information developed by the Company in connection therewith, shall be made available for review by the Commission and its Staff only and such review shall be made under the confidentiality rules of the Commission.

7. Petitioner relied upon the confidentiality provision of Tampa Electric's CISR tariff in negotiating its CSA with Tampa Electric. Petitioner provided proprietary confidential business information to Tampa Electric during the course of those negotiations, in reliance upon said confidentiality provision. Disclosure of this information to Allied/CFI, a direct competitor of Petitioner, would adversely impact Petitioner's ability to compete in its native market. Petitioner's substantial interests are subject to determination or will be affected by the Commission's disposition of Allied/CFI's request to inspect and examine Petitioner's proprietary confidential business information.

8. Petitioner is aware of the following disputed issues of material fact:

whether Tampa Electric gave an undue and unreasonable preference and advantage to Petitioner, and has subjected Allied/CFI to an undue and unreasonable prejudice and disadvantage, with respect to the CISR tariff rates offered by Tampa Electric to Petitioner and to Allied/CFI;

whether Tampa Electric breached its obligation of good faith in the exercise of its discretion in offering the CISR tariff to any customer who complies with the conditions of the tariff.

Wherefore, Petitioner requests that the Commission grant it leave to intervene in this proceeding; preserve the confidentiality of Petitioner's proprietary confidential business information; uphold or otherwise approve the CISR tariff rate agreed to by Tampa Electric and Petitioner, and the terms and conditions of the CSA between said parties; and for such other relief as the Commission deems just and reasonable.

Dated this 28th day of March, 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick K. Wiggins", written over a horizontal line.

Patrick K. Wiggins
Florida Bar # 212954
Wiggins and Villacorta, P.A.
P.O. Drawer 1657
Tallahassee, FL 32302
(850) 385-6007

Attorneys for Odyssey Manufacturing
Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Leave to Intervene has been furnished by facsimile and U.S. Mail to John R. Ellis, Esq. and Kenneth A. Hoffman, Esq., Rutledge, Ecenia, Purnell & Hoffman, 215 South Monroe St., Suite 420, Tallahassee, FL 32301; James D. Beasley, Esq. and Lee L. Willis, Esq., Ausley & McMullen, 227 South Calhoun St., Tallahassee, FL 32301; Marlene K. Stern, Esq., Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850; and U.S. Mail to Harry W. Long, Jr., Esq., TECO Energy, Inc., P.O. Box 111, Tampa, FL 33601, this 28th day of March, 2000.


Patrick K. Wiggins