

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Allied )  
Universal Corporation and )  
Chemical Formulators, Inc. )  
Against Tampa Electric )  
Company )

DOCKET NO. 000061-EI

Filed: June 30, 2000

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PREHEARING STATEMENT

Odyssey Manufacturing Company (Odyssey), by and through its undersigned counsel, files its prehearing statement.

(a) Odyssey intends to call the following witnesses for the purposes of direct testimony:

Stephen W. Sidelko is expected to testify on his perspective on the complaint filed herein, the sodium hypochlorite and chlorine markets, the planning for Odyssey's manufacturing facility in Tampa, including the negotiation of an electric rate with Tampa Electric Company, Odyssey's reliance on the confidentiality provisions within Tampa Electric Company's Commercial/Industrial Service Rider(CISR), and the economic development made possible by the CISR rate.

Pamela K. Winters is expected to testify on her perspective as the loan officer for the loan which financed the construction of Odyssey's manufacturing facility in Tampa, and the importance of the electric rate negotiated by Odyssey with Tampa Electric Company in the extension of such financing.

Odyssey has not yet determined whether it will offer rebuttal testimony.

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Odyssey reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct or rebuttal testimony and witnesses to address issues not presently designated but that may be designated by the Prehearing Officer at the prehearing conference on July 6, 2000.

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- (b) Odyssey intends to offer its Contract Service Agreement with Tampa Electric Company as an exhibit sponsored by Mr. Sidelko.

Odyssey reserves generally the right to introduce additional exhibits as the need occurs and as permitted under the Florida Evidence Code.

- (c) Odyssey's basic position is that it negotiated and entered into its Contract Service Agreement with Tampa Electric Company in good faith and in compliance with the CISR.

- (d) Odyssey's positions on the mixed questions of fact, law and policy agreed to by the parties in this proceeding are as follows.

1. Has TECO acted in violation of its CISR tariff, Commission Order No. PSC-98-1081A-FOF-EI or relevant sections of the Florida statutes in its response to Odyssey's request for CISR tariff rates?

No. (Sidelko and Winters)

2. Has TECO acted in violation of its CISR tariff, Commission Order No. PSC-98-1081A-FOF-EI or relevant sections of the Florida statutes in its response to Allied/CFI's request for CISR tariff rates?

No position at this time. (Sidelko and Winters)

3. Do the differences, if any, between the rates, terms and conditions stated in TECO's letter of October 18, 1999 to Allied/CFI and those agreed to between TECO and Odyssey constitute a violation of relevant Florida Statutes, the requirements of Commission Order No. PSC-98-1081A-FOF-EI, or the CISR tariff?

No position at this time.

4. Based on the resolution of issues 1-3, what actions, if any, should the PSC take with respect to Odyssey, Allied/CFI and TECO?

The PSC should approve Odyssey's CISR rate. Alternatively, the PSC should require TECO to allow Odyssey to receive service under the appropriate Interruptible Rate, which tariff was closed at

or about the time the PSC approved the CISR. (Sidelko and Winters)

Odyssey also identifies the following additional mixed factual and legal issue:

5. Do Allied and CFI have standing to maintain their complaint in this proceeding?

Allied/CFI do not have standing to challenge Odyssey's eligibility or entitlement to the CISR rate.

- (e) No issues have been stipulated to by the parties.
- (f) Odyssey's Motion for Protective Order is pending at this time.
- (g) On June 28, 2000, Odyssey filed a Notice of Intent to Request Confidential Classification of certain portions of Mr. Sidelko's prefiled direct testimony and of its Contract Service Agreement with Tampa Electric Company, in its entirety.
- (h) Odyssey believes that the foregoing complies with applicable requirements for its prehearing statement.



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Odyssey Manufacturing Company

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Prehearing Statement has been furnished by facsimile and U.S. Mail to John R. Ellis, Esq. and Kenneth A. Hoffman, Esq., Rutledge, Ecenia, Purnell & Hoffman, 215 S. 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, 2450 Shumard Oak Blvd., Tallahassee, FL 32399-0850 and Harry W. Long, Jr., Esq., TECO Energy, Inc., P.O. Box 111, Tampa, FL 33601, this 30th day of June, 2000.

  
Wayne L. Schiefelbein