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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  
Filed: July 7, 2000

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ODYSSEY MANUFACTURING COMPANY'S  
MOTION FOR RECONSIDERATION

Pursuant to Rule 25-22.0376, Florida Administrative Code, Odyssey Manufacturing Company (Odyssey) respectfully requests reconsideration of Order No. PSC-00-1171-CFO-EI (the Order) issued by the Prehearing Officer in the above-mentioned docket on June 27, 2000 and in support states the following.

1. Odyssey supports Tampa Electric Company's Motion for Reconsideration filed on July 6, 2000, adopts said motion in its entirety, and, by this reference, incorporates its allegations and arguments as if fully set forth herein.

2. Odyssey requests reconsideration and modification or clarification of the Order on the following additional grounds.

3(a). On March 10, 2000, Tampa Electric Company (Tampa Electric) submitted a Request for Confidential Classification of Documents, together with notebooks consisting, according to the Order, of over 1800 pages of documents. This submittal included sixty (60) discretely identified documents provided by Odyssey to Tampa Electric in connection with the Commercial/Industrial Service Rider (CISR) and the Contract Service Agreement (CSA) between the two parties. During the course of this proceeding, Tampa Electric provided copies of said sixty (60) documents to Odyssey, which Odyssey represents consists of 320 pages. With limited exceptions addressed in Odyssey's pending June 15, 2000 Motion for Protective Order, which the Order does not

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address, Odyssey believes that Tampa Electric's Supplemental Motion for Protective Order provides an acceptable balance of protection of Odyssey's proprietary confidential information and Complainants' legitimate due process rights. However, Odyssey has had no opportunity to inspect the remaining approximate 1500 pages of documents which Tampa Electric has provided to the Commission or other documents and information addressed by the Order, which Odyssey believes contain substantial documentation and information which either were purportedly furnished to Odyssey by Tampa Electric or which may otherwise have arisen from or relate to CISR tariff rate negotiations and the CSA between Tampa Electric and Odyssey. Odyssey therefore objects to the Order to the extent that it requires Tampa Electric to produce documentation, in redacted or unredacted form, to the Complainants, or for in camera inspection, unless and until Odyssey is given a reasonable opportunity to first inspect the documents, both in redacted and unredacted form, with the further opportunity as may be necessary to assert the need for further redactions. The Order's failure to provide such an opportunity constitutes a departure from the essential requirements of law in that it would prevent Odyssey from adequately protecting its own interests in preventing disclosure of its proprietary confidential business information.

3(b). By the foregoing, Odyssey does not seek any access at this time to information pertaining to the Complainants, or to Tampa Electric's incremental cost of service to Odyssey.

3(c). Odyssey's foregoing concern was discussed both on and off the record at the July 6, 2000, prehearing conference. It is Odyssey's understanding that Tampa Electric does not object to Odyssey's request. The undersigned counsel has further

discussed this concern with counsel for the Complainants on the date of filing the instant motion. Counsel for the Complainants indicated that he did not object to Odyssey being afforded the opportunity to review and, as necessary, redact portions of documents related to Odyssey, provided that the process is conducted in a highly expeditious manner, with access to the documents provided by Tampa Electric to Odyssey no later than July 17, 2000; that Odyssey itself complete its review and redaction within three (3) business days thereafter; that the Complainants be provided with a list detailing anything not produced and the subject matter redacted; and that the Complainants be provided an opportunity to question the propriety of any such nondisclosure at in camera proceedings. Odyssey does not object to these conditions and, to the extent their observance is within its control, Odyssey will in good faith endeavor to fulfill them.

4(a). Prior to production by Tampa Electric of certain documents or types of documents, the Order requires the redaction of “Confidential commercial information on Odyssey” which “consists of all aspects of plant size and design, the amount of electricity consumed, **any information on the financial status of Odyssey**, and any information from which Allied could readily deduce such proprietary information.”(emphasis added) Odyssey is uncertain as to the intention of the Order’s use of the term “financial status.” To the extent that such term does not encompass any and all information regarding the respective financial condition of Odyssey and Sentry Industries, Inc., its affiliate, past, present, and projected, including those companies’ accounts; assets and liabilities; sources of equity; amounts and terms and conditions of debt and equity financing; and data pertaining to sales and manufacturing costs, sales, income and revenue, production, distribution, process description, and customer base, Odyssey submits that the Order as a

matter of law provides insufficient protection from disclosure of proprietary confidential information. Odyssey's pending June 15, 2000 Motion for Protective Order addresses the need for nondisclosure of such information within the aforesaid sixty (60) documents. However, as explained hereinabove, Odyssey is unable to determine whether any such information is contained within the balance of the aforesaid 1800 pages of documents, or other documents and information, which are addressed by the Order.

4(b). From its conversations with counsel for Tampa Electric and the Complainants in the last two days, counsel for Odyssey believes that such parties do not oppose Odyssey's efforts, made in an abundance of caution, to protect such information regarding its "financial status" or that of Sentry Industries, Inc..

5. Odyssey will in good faith attempt to resolve its concerns as set forth in paragraphs 3 and 4 above with Tampa Electric, the Complainants, and Commission Staff, through appropriate protective agreements or stipulations. If successful in that endeavor prior to the Commission's consideration of this Motion, Odyssey will promptly advise the Commission that those portions of the Motion are moot.

WHEREFORE, Odyssey Manufacturing Company requests that the Order be reviewed by the full Commission and reversed and clarified as set forth above.

Dated this 7<sup>th</sup> day of June, 2000.

*Wayne L. Schiefelbein*

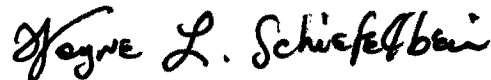
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Attorneys for  
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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Reconsideration 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 7th day of July, 2000.



Wayne L. Schiefelbein