

ORIGINAL

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00 OCT 27 PM 4:49

RECORDS AND REPORTING

October 27, 2000

BY HAND DELIVERY

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 and Chemical Formulators, Inc.
Against Tampa Electric Company; Docket No. 000061-EI

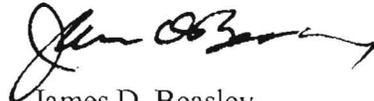
Dear Ms. Bayo:

Enclosed for filing in the above docket are fifteen (15) copies of Tampa Electric Company's Motion for Reconsideration.

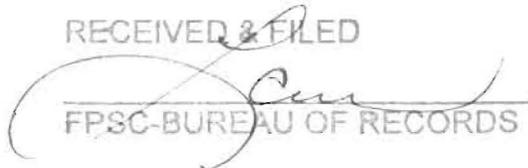
Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

- APP _____
- CAF _____
- CMF _____
- COM 3 cc: All Parties of Record (w/encls.)
- CTR _____
- EGR 3
- LEG 2
- OPC _____
- PAI _____
- RGO _____
- SEC 1
- SER _____
- OTH _____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

13861 OCT 27 8

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 000061-EI
FILED: October 27, 2000

**TAMPA ELECTRIC COMPANY'S
MOTION FOR RECONSIDERATION**

Pursuant to Rule 25-22.060, Florida Administrative Code, Tampa Electric Company (“Tampa Electric” or “the company”) respectfully requests reconsideration of Order No. PSC-00-1901-POC-EI (the “October 17th Order”) issued by the Commission in the above-mentioned docket on October 17, 2000, for the limited purpose of clarifying language in the October 17 Order that appears to be inconsistent with the Commission decision as articulated in Order No. PSC-00-1171-CFO-EI, issued on June 27, 2000 (the “June 27 Order”), and says:

1. In the October 17 Order, Tampa Electric is required to produce, without redaction, a number of documents that reveal various Tampa Electric incremental costs, in apparent contradiction to the provisions of the June 27, Order, declaring that such information is entitled to confidential protection and need not be produced. More specifically, the documents in question, identified by Bates Stamp number in Attachment A to this motion, contain Tampa Electric’s incremental cost for substation and distribution line construction, including cost allocations to Odyssey Manufacturing Company (“Odyssey”). These incremental costs were used in the Tampa Electric Rate Impact Measure (“RIM”) analysis underlying its Commercial Industrial Service Rider (CISR) negotiations with Odyssey. The documents listed in Attachment A are responsive to Allied Universal Corporation and Chemical Formulators, Inc. (“Allied/CFI”) Production of Documents Request (“POD”) No. 9.

2. In addressing Allied/CFI POD No. 9 (Page 24), the June 27th Order states:

This information is confidential under Section 366.093, Florida Statutes. TECO shall not be required to respond to this request. TECO used the Rate Impact Measure (RIM) to calculate incremental costs and net benefits to the general body of ratepayers. While the RIM methodology is not confidential, the application of the methodology to a specific customer requires input of customer specific data, such as coincident peak demand, load shape, load factor, and annual energy consumption. Thus, operational information on Odyssey is integral to the incremental cost analysis. Discovery of this information by Allied would harm Odyssey's ability to compete in its native market.

In addition, production of the incremental cost analysis will harm TECO because it will disclose TECO's negotiating floor. This would adversely affect TECO's ability to negotiate the most favorable rates, terms and ultimately harm the ratepayers.

3. With regard to a second set of documents, listed in Appendix B to this motion and identified by Bates Stamp number, Tampa Electric does not dispute the conclusion that these documents are discoverable pursuant to the non-disclosure agreement. However, the allowed redaction of these documents listed in Attachments 1 and 2 of the October 17th Order fails to cover confidential commercial information protected by the June 27th Order in the language related to Allied/CFI POD Nos. 2 and 9.

4. In addressing Allied/CFI POD No. 2 (Page 17), the June 27th order states that:

To the extent that the documents to be produced include confidential commercial information on Odyssey, this information must be redacted before production to Allied. Confidential commercial information 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.

5. In light of this Language in the June 27th Order, Tampa Electric respectfully suggests that the documents in question be further redacted as proposed in Attachment B to this motion.

6. Tampa Electric's strong preference was to obtain the clarification requested in this motion without burdening the record in this proceeding with another motion. To that end, the

Company has continued to work with Staff to resolve this matter on an informal basis (See Attachment C).

7. Over the past two days, the Staff has been very cooperative in trying to resolve the matters raised in this Motion, and Tampa Electric greatly appreciates their willingness to work with the parties in an effort to move this proceeding to resolution as quickly and fairly as possible.

8. Tampa Electric has made the instant filing, at Staff's suggestion, in order to create a procedural vehicle for the Clarification of the October 17 Order.

WHEREFORE, Tampa Electric respectfully requests that the October 17 Order be reviewed by the full Commission and clarified as set forth above.

DATED this 27th day of October, 2000.

Respectfully Submitted

HARRY W. LONG, JR.
Chief Counsel
TECO Energy, Inc.
Post Office Box 111
Tampa, Florida 3360
(813) 228-4111

and



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

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Reconsideration, filed on behalf of Tampa Electric Company, has been furnished by hand delivery (*) of U. S. Mail this 27th day of October, 2000 to the following:

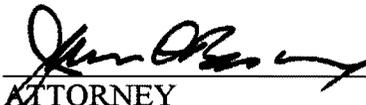
Mr. Robert V. Elias*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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

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

Mr. Patrick Wiggins
Wiggins & Villacorta, P.A.
P. O. Drawer 1657
Tallahassee, FL 32302

Mr. Wayne L. Schiefelbein
P. O. Box 15856
Tallahassee, FL 32317-5856



ATTORNEY

ATTACHMENT A

Based on the language of the June 27 order, the following documents should not be produced.

Bates Stamp No. 100-O	Incremental cost of substation
Bates Stamp No. 101-O	Incremental cost of substation
Bates Stamp No. 102-O	Incremental cost of substation
Bates Stamp No. 103-O	Incremental cost of substation
Bates Stamp No. 104-O	Incremental cost of substation
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Bates Stamp No. 1069-O	Incremental cost of substation
Bates Stamp No. 1070-O	Incremental cost of substation
Bates Stamp No. 1971-O	Distribution Planning Cost Estimate
Bates Stamp No. 1972-O	Distribution Planning Cost Estimate
Bates Stamp No. 1973-O	Distribution Planning Cost Estimate
Bates Stamp No. 1974-O	Distribution Planning Cost Estimate
Bates Stamp No. 1951-O	Estimate of substation site work
Bates Stamp No. 1952-O	Estimate of substation site work
Bates Stamp No. 1953-O	Estimate of substation site work
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Bates Stamp No. 1958-O	Estimate of substation site work
Bates Stamp No. 1959-O	Estimate of substation site work
Bates Stamp No. 1964-O	Estimate of substation cost
Bates Stamp No. 1965-O	Estimate of substation cost
Bates Stamp No. 1966-O	Estimate of substation cost
Bates Stamp No. 1973-O	Distribution construction cost estimate
Bates Stamp No. 1974-O	Distribution construction cost estimate

Bates Stamp No. 1975-O
Bates Stamp No. 1976-O
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Bates Stamp No. 1988-O
Bates Stamp No. 1989-O
Bates Stamp No. 1990-O

Substation construction cost estimate
Substation construction cost estimate

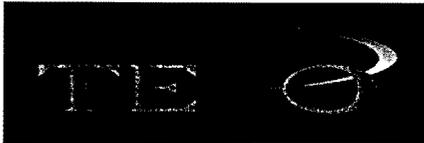
Bates Stamp No. 2015-O

Estimate of substation site work *(This document was misidentified by Tampa Electric. It should have been marked with an asterisk and the proposed redaction should have been "entire page".)*

ATTACHMENT B

In addition to the allowed redaction, Tampa Electric requests the following redaction.

Bates Stamp No. 75-O	Last four words before period in line 7 of 3 rd paragraph and last three words of paragraph. – competitive market data
Bates Stamp No. 88-O	\$ value in line 1 of 2 nd paragraph – incremental cost
Bates Stamp No. 175-O	all \$ values in 1 st , 2 nd , and 6 th bullets – incremental costs
Bates Stamp No. 180-O	Tampa Electric's distribution construction budget for period 1998– 2002 – proprietary information
Bates Stamp No. 316-O	all numeric units of measure in Section titled “Plant Expansion/Projected Energy Consumption” – proprietary information
Bates Stamp No. 324-O	All \$ values – incremental costs
Bates Stamp No. 650-O	All numeric values for MW, kW and kVA - customer load and equipment size
Bates Stamp No. 1042-O	\$ values in lines 7 and 8 – Tampa Electric costs
Bates Stamp No. 1047-O	\$value for natural gas revenues in last line –customer gas consumption operational data
Bates Stamp No. 1107-O	KW values in “Exclusivity Provision” (consistent with other CSA redaction per June 27 th Order.)
Bates Stamp No. 1112-O	Numeric values in “Guaranteed Consumption”, “Maximum Service Amount”, and “Type of Service”(consistent with other CSA redaction per June 27 th Order)
Bates Stamp No. 1479-O	\$ values under “Reliability:” and “Power Manager” headings – incremental costs
Bates Stamp No. 1500-O	KW value in “Exclusivity Provision” (consistent with other CSA redaction)
Bates Stamp No. 1606-A	All numeric values on lines 10 and 11 (tons, hrs, tons/day, etc.) Allied/CFI operational data
Bates Stamp No. 1944-O	\$ values in lines 5 and 6 – incremental costs
Bates Stamp No. 1972-O	Odyssey load information in handwritten notes
Bates Stamp No. 1993-O	Odyssey load information in handwritten notes



TAMPA ELECTRIC

ATTACHMENT C

October 23, 2000

Mr. Robert Elias
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 000061-EI

Dear Bob:

As we discussed last Friday, Tampa Electric believes that Order No. PSC-00-1901-POC-EI, issued on October 17, 2000 ("October 17th Order"), is inconsistent, in some respects, with Order No. PSC-00-1171-CFO-EI, issued on June 27, 2000 ("June 27th Order") with regard to the production and/or redaction of certain documents. We wish to honor Commissioner Jacobs request that the parties weigh very carefully the need to file additional motions and share his strong desire to speed this proceeding to the earliest possible conclusion. To that end, Tampa Electric would like to obtain clarification of the October 17th Order quickly and informally, to the extent possible.

Since our purpose is not to argue the merits of the June 27th Order or the October 17th Order but merely to seek clarification with regard to the consistency of these Orders, our questions are procedural in nature. Therefore, our strong preference is to address these questions through a short telephone conference with the technical and legal Staff in order to achieve quick resolution. However, you have advised me that our proposed approach is unacceptable and that you would prefer, instead, that Tampa Electric describe, in written form, the inconsistencies that it perceives between the June 27th Order and the October 17th Order.

In keeping with your request, attached for Staff's review and comment is a summary of the apparent inconsistencies between the June 27th Order and the October 17th Order with regard to the production and/or redaction of documents. Tampa Electric would welcome the opportunity to discuss the attached summary with the Staff at its earliest

TAMPA ELECTRIC COMPANY
P. O. BOX 111 TAMPA, FL 33601-0111

(813) 228-4111

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OUTSIDE HILLSBOROUGH COUNTY 1 (888) 223-0800

Letter to Robert Elias
Page 2
October 23, 2000

opportunity. In the meantime, as we discussed, Tampa Electric will continue to prepare the documents not listed in the attached summary for production to the parties on Tuesday, October 24, 2000. Tampa Electric will make the balance of the documents available for production, to the extent appropriate, as soon as it has obtained sufficient clarification of the matters raised in the attached document.

Thank you for your continued cooperation.

Sincerely

A handwritten signature in black ink that reads "Harry L. Long". The signature is written in a cursive style with a large, stylized initial "H".

Harry L. Long
Assistant General Counsel- Regulatory
Tampa Electric Company

cc: Ms. Blanca S. Bayo
All Parties of Record

Tampa Electric Issues Related to Order PSC-00-1901-POC-EI

In Order PSC-00-1901-POC-EI, issued October 17th, Tampa Electric is required to produce the following documents without redaction. These documents contain Tampa Electric's costs on substation and distribution line construction including cost allocations to Odyssey Manufacturing Corp. They are related to Allied Universal Corp. and Chemical Formulators, Inc.'s 1st Set of POD No. 9. In addressing POD No. 9 (Page 24), Order PSC-00-1171-CFO-EI, issued on June 27th, states:

"This information is confidential under Section 366.093, Florida Statutes. TECO shall not be required to respond to this request. TECO used the Rate Impact Measure (RIM) to calculate incremental costs and net benefits to the general body of ratepayers. While the RIM methodology is not confidential, the application of the methodology to a specific customer requires input of customer specific data, such as coincident peak demand, load shape, load factor, and annual energy consumption. Thus, operational information on Odyssey is integral to the incremental cost analysis. Discovery of this information by Allied would harm Odyssey's ability to compete in its native market.

In addition, production of the incremental cost analysis will harm TECO because it will disclose TECO's negotiating floor. This would adversely affect TECO's ability to negotiate the most favorable rates, terms and ultimately harm the ratepayers"

Based on the language of the June 27th order, the following documents should not be produced.

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Tampa Electric does not dispute that the following documents are discoverable pursuant to the non-disclosure agreement. However, the allowed redaction listed in Attachments 1 and 2 for these documents exclude some confidential commercial information protected by Order PSC-00-1171-CFO-EI in the language related to POD Nos. 2 and 9. In addition to the allowed redaction, Tampa Electric requests the following redaction.

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