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November 9, 2000

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, FL 32399-0850

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09 NOV - 9 PM 4: 50  
RECORDS AND  
REPORTING

Re: Docket No.000061-EI

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI") are the original and fifteen copies of the following documents:

1. Allied/CFI's Response in Opposition to Tampa Electric Company's Motion for Reconsideration; and
2. Allied/CFI's Motion for Leave to File Response Out of Time.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me. Thank you for your assistance with this filing.

Sincerely,

John R. Ellis

APP \_\_\_\_\_  
 CAF \_\_\_\_\_  
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 COM 3 \_\_\_\_\_  
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 SEC 1 cc: Parties of Record  
 SER \_\_\_\_\_  
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DOCUMENT NO. DATE

14550-00 11/9/00  
FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In 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, Florida Statutes, with respect to rates offered under Commercial/Industrial Service Rider tariff; petition to examine and inspect confidential information; and request for expedited relief.

Docket No. 000061-EI

Filed: November 8, 2000

ALLIED/CFI'S RESPONSE IN OPPOSITION TO TAMPA ELECTRIC COMPANY'S MOTION FOR RECONSIDERATION

Allied Universal Corporation ("Allied") and Chemical Formulators, Inc. ("CFI"), hereinafter referred to collectively as "Allied/CFI," by and through their undersigned counsel, and pursuant to Rule 25-22.0376, Florida Administrative Code, submit their response in opposition to the motion for reconsideration filed by Tampa Electric Company ("TECO") of Order No. PSC-00-1901-PCO-EI, issued on October 17, 2000 ("Order on In Camera Review"), and state:

1. The primary subject of TECO's motion for reconsideration is a group of documents which reflect the cost of the substation TECO built in 1998 to serve Odyssey Manufacturing Company ("Odyssey"). The Order on In Camera Review required TECO to produce certain documents to Allied/CFI by October 24, 2000, in response to Allied/CFI's document requests nos. 6, 7, and 8, and pursuant to the Protective Agreement between the parties. The documents which reflect the cost of the substation were withheld by TECO from the documents it produced to Allied/CFI on October 24 in response to the Order on In Camera Review. TECO's motion seeks authorization to continue to withhold this information from disclosure to Allied/CFI.

DOCUMENT NUMBER-DATE

14550 NOV-98

FPSC-RECORDS/REPORTING

2. The cost of the substation is clearly relevant to the issues in this proceeding. Allied/CFI contends in this proceeding that the CISR tariff rates offered by TECO to Odyssey and to Allied/CFI should differ only by the absolute amount of the differences in TECO's incremental cost to serve Odyssey and Allied/CFI. See, Re: Electric Restructuring, 172 PUR 4<sup>th</sup> 35, 39 (Nevada Public Service Commission 1996). The cost of the substation is an element of TECO's incremental cost to serve Odyssey.

3. Before receiving the documents produced by TECO on August 14, 2000 in response to Allied/CFI's first set of document requests, Allied/CFI had assumed that TECO's incremental cost to serve Odyssey and Allied/CFI was essentially equivalent. For that reason, Allied/CFI was willing to accept limitations on discovery of information concerning TECO's incremental cost calculations. However, the documents produced by TECO reflect that the cost of the substation is an exceptional element of TECO's incremental cost to serve Odyssey. Disclosure of information concerning this unique element of TECO's incremental cost to serve Odyssey is necessary in order to fairly determine and evaluate the differences in the rates offered by TECO to Odyssey and Allied/CFI.<sup>1</sup>

4. As noted in TECO's motion, the reasons stated in Order No. PSC-00-1171-CFO-EI, issued June 27, 2000 ("Discovery Order"), for nondisclosure to Allied/CFI of information concerning TECO's incremental cost calculations were: (1) to avoid disclosure of operational information concerning Odyssey which would harm Odyssey's ability to compete in its native

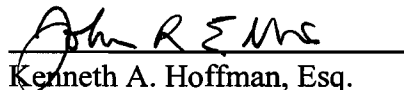
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<sup>1</sup>See, e.g., the letter dated April 17, 1998 from Patrick Allman /TECO to Stephen Sidelko/Sentry, at bullet point number four at page 1 (Bates No. 829-0), and the memo dated March 27, 1998 from Allman to TECO's Project Team, under the heading "Proposed Electric Service" at page 3 (Bates No. 13-0), concerning the effect of the cost of the substation on Odyssey's rates.

market; and (2) to avoid disclosure of TECO's negotiating floor. Disclosure to Allied/CFI of the cost of the substation reveals nothing concerning either Odyssey's operations or TECO's negotiating floor.

WHEREFORE, Allied/CFI requests that TECO's motion for reconsideration be denied as to the documents identified in Attachment A to that motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Ellis", is written over a horizontal line.

Kenneth A. Hoffman, Esq.

John R. Ellis, Esq.

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Attorneys for Allied Universal Corporation and  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Allied/CFI's Response in Opposition to Tampa Electric Company's Motion for Reconsideration was furnished by U. S. Mail and by telecopier (\*) to the following this 8<sup>th</sup> day of November, 2000:

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\_\_\_\_\_  
John R. Ellis