

ORIGINAL

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

RECEIVED-FPSC

01 MAY -7 PM 4:15

RECORDS AND
REPORTING

May 7, 2001

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 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 the original and fifteen (15) copies of Tampa Electric Company's Supplemental Request for Confidential Classification of Deposition Transcript Pages 105 through 107 of Witness Robert Namoff.

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

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE

05760 MAY-7

FPSC-RECORDS/REPORTING

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: May 7, 2001

**TAMPA ELECTRIC COMPANY'S SUPPLEMENTAL
REQUEST FOR CONFIDENTIAL CLASSIFICATION
OF DEPOSITION TRANSCRIPT OF WITNESS ROBERT NAMOFF**

Tampa Electric Company ("Tampa Electric" or the "company") pursuant to Order No. PSC-01-1003-AS-EI ("Order No. 01-1003") issued in this proceeding on April 24, 2001, submits the following Supplemental Request for Confidential Classification of portions of the deposition transcript of witness Robert Namoff in this proceeding and, as grounds therefor, says:

1. Order No. 01-1003 approved the settlement agreed to by and between Tampa Electric and Allied Universal Corporation and Chemical Formulators, Inc. ("Allied"). That order called for the parties to submit confidentiality requests with respect to the testimony and exhibits of their respective witnesses, after which each party would have an opportunity to respond and to supplement any request for confidential classification.

2. Tampa Electric has reviewed the designation by Allied of those portions of witness Robert Namoff's deposition transcript that Allied considers to be confidential. Tampa Electric has determined that additional portions of witness Namoff's deposition transcript is in need of confidential classification and exemption from public disclosure in order to protect the interests of Tampa Electric and its customers and in order to avoid disclosing confidential contract service arrangement ("CSA") related information.

3. Tampa Electric is simultaneously filing under a separate transmittal letter on a confidential basis pages 105 through 107 of witness Namoff's deposition transcript with the confidential information highlighted in yellow. Attached hereto as Exhibit "A" are written justifications for the confidential classification of the highlighted portions of these three pages of Mr. Namoff's deposition transcript. As is explained in greater detail in Tampa Electric's written justifications, the highlighted information is entitled to protection against public disclosure pursuant to Section 366.093, Florida Statutes, and the Commission's implementing Rule 25-22.006, Florida Administrative Code.

4. This is to confirm that the material for which confidential classification is sought is intended to be and is treated by Tampa Electric as private and has not been disclosed publicly.

5. Tampa Electric has prepared and submits herewith as Exhibit "B" a redacted version of pages 105 through 107 of witness Namoff's deposition transcript with the confidential information redacted.

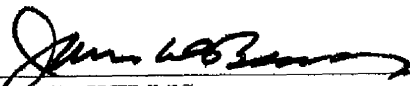
WHEREFORE, Tampa Electric requests confidential classification of the highlighted portion of pages 105 through 107 of witness Robert Namoff's deposition transcript for the reasons set forth in detail in Exhibit "A" to this request.

DATED this 7th day of May 2001.

Respectfully Submitted,

HARRY W. LONG, JR.
Assistant General Counsel
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601
(813) 228-1702

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 copy of the foregoing Supplemental Request for Confidential Classification of Deposition Transcripts and Exhibits, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 7th day of May 2001 to the following:

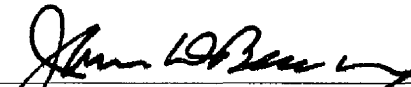
Mr. Robert V. Elias*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee, FL 32399-0850

Ms. Marlene K. Stern*
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oaks Boulevard
Tallahassee, FL 32399-0850

Mr. John Ellis*
Mr. Kenneth Hoffman
Ecenia, Underwood, Purnell & Hoffman
Post Office Box 551
Tallahassee, FL 32302

Mr. Wayne L. Schiefelbein*
Mr. John L. Wharton
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Mr. Patrick K. Wiggins
Katz, Kutter, Haigler, Alderman,
Bryant & Yon
108 East College Avenue – 12th Floor
Tallahassee, FL 32301



ATTORNEY

**Justification for Confidentiality of Portions of the Deposition Transcript
and, as Applicable, Deposition Exhibits of Witness Robert Namoff:**

<u>PAGE</u>	<u>LINE(S)</u>	<u>DESCRIPTION</u>	<u>RATIONALE</u>
105	21-25	All	(1)
106	1-25	All	(1)
107	1-7	All	(1)

Rationale for Confidentiality:

- (1) This type of information would disclose negotiated terms and conditions of either the Odyssey CSA or the Allied CSA. As provided in Tampa Electric's Commission approved Original Tariff Sheet No. 6.720, CSAs shall be considered confidential documents. As the Commission stated in its Order No. PSC-00-1530-PCO-EI issued in this proceeding on August 23, 2000, the CISR tariff imposes an affirmative obligation on Tampa Electric not to disclose the information in the CSA other than to the Commission or the Commission's Staff. Public disclosure of this information would harm the interests of Tampa Electric and its general body of ratepayers in future CISR negotiations and would impose a definite chilling effect on the willingness of other at-risk customers to supply information of a business nature in CISR negotiations. As such, this information is entitled to protection against public disclosure under Section 366.093(3)(d) and (e), Florida Statutes.

1 misunderstanding your testimony, but you are saying that
2 based on these historical prices liquid chlorine bleach
3 can be manufactured at significantly lower cost using the
4 membrane cell technology as opposed to the Powell process
5 if electricity can be obtained at between 3 cents and 4
6 cents a kilowatt hour. So you come up with an electricity
7 price, you have plugged in that variable, and I guess I'm
8 just trying to understand the other variables that you
9 plugged in. You know, what prices were you assuming for
10 bulk chlorine and caustic soda over what period? I guess
11 I'm assuming that this was an actual calculation. Is that
12 a correct assumption?

13 A No, it was just a general analysis of the market
14 conditions over the last ten years.

15 Q Okay. And you didn't have specific historical
16 prices in mind when you made this statement?

17 A Just the ranges that are significantly higher
18 than the cost to manufacture with a cell unit.

19 Q But no specific numbers?

20 A No.

21 Q [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A [REDACTED]

25 Q [REDACTED]

1 [REDACTED]

2 A [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A [REDACTED]

11 Q [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A [REDACTED]

21 [REDACTED]

22 Q [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

A

2

3

4

5

6

7

8

Q Well, with the availability of those rates in Georgia -- are those rates still available, by the way?

10

MR. ELLIS: I think now you are talking about what Allied might want to do on a going-forward basis. I don't think we want to discuss that, at least certainly with Odyssey and its counsel present. I'm not sure we would with Tampa Electric, as well.

15

MR. LONG: Well, my question was whether the witness knows whether the rates that Georgia Power offered are still available. Are you objecting to the witness answering that question?

19

THE WITNESS: I don't want to answer it.

20

MR. ELLIS: Yes, I am.

21

MR. LONG: And on the grounds of what?

22

MR. ELLIS: It is confidential proprietary business information and trade secret information. And just generally I think I remember Tampa Electric taking the position in this proceeding that you didn't want the

23

24

25