



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: September 12, 2001
TO: Marlene Stern, Division of Legal Services
FROM: Elisabeth Draper, Division of Economic Regulation
RE: Docket No. 000061-EI - Complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for Violations of Sections 366.03, 366.06(2) and 366.07, F.S.

Handwritten initials: DPLJ, CSR, EJD

Recommendation concerning Allied Universal Corporation's (Allied) Request for confidential classification of Document Nos. 05481-01, 05482-01, 05483-01, 05484-01.

Recommendation concerning Tampa Electric Company's Supplemental Request for Confidential Classification of Deposition Transcripts and Exhibits of witnesses Sidelko (Document No. 05693-01) and Allman (Document No. 05694-01).

Recommendation concerning TECO's Supplemental Request for Confidential Classification of Deposition Transcript of Witness Winters (Document No. 05820-01).

Recommendation concerning Tampa Electric Company's Supplemental Request for Confidential Classification of Deposition Transcript Pages 105 through 107 of Witness Namoff (Document No. 05761-01).

The Commission approved a Settlement Agreement in Docket No. 000061-EI on April 24, 2001. See Order No. PSC-01-1003-AS-EI. The Settlement Agreement provided, among other things, that all prefiled testimony and exhibits filed in this docket, all depositions and associated exhibits taken in this docket, and all discovery responses provided by Tampa Electric Company would be admitted as evidence. Because those documents contained information that could potentially be confidential, the parties were required to submit requests for confidential classification of any such information. Consistent with Rule 25-22.006, Florida Administrative Code, all parties were given the opportunity to respond to or supplement any requests for confidential treatment.

Allied requested on May 1, 2001, confidential classification

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pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes of the information contained in the deposition transcripts of Allied witnesses Namoff, Palmer, DeAngelis, and Phillips. Attachment A of Allied's confidentiality request lists the pages and lines for which Allied seeks confidential classification.

On May 4, 2001, TECO filed a Supplemental Request for Confidential Classification of Deposition Transcripts and Exhibits of witnesses Sidelko and Allman. On May 8, 2001, TECO filed a Supplemental Request for Confidential Classification of Deposition Transcript of Witness Winters. Sidelko, Allman, and Winters were Odyssey Manufacturing Company's (Odyssey) witnesses in this proceeding. TECO states that Odyssey has not requested confidential classification of any portion of the deposition transcripts of its witnesses. TECO states that it has reviewed the deposition transcripts and has determined that portions of the transcripts are in need of confidential classification in order to protect the interests of TECO and its customers and in order to avoid disclosure of confidential Contract Service Arrangement (CSA) related information. TECO's Supplemental Requests list the pages and lines for which TECO seeks confidential classification and provide the rationale for their confidentiality requests for each page and line.

On May 7, 2001, TECO filed a Supplemental Request for Confidential Classification of Deposition Transcript Pages 105 through 107 of Witness Robert Namoff. TECO states that it has reviewed Allied witness Namoff's deposition transcript, and has determined that additional portions of the transcript are in need of confidential classification. The pages, lines, and rationale for TECO's confidentiality request can be found in Exhibit A of TECO's Supplemental Request for Confidential Classification.

**Document No. 05481-00, Deposition transcript of Robert Namoff.**

Staff recommends that Allied's confidentiality request for Document No. 05481-01 be granted, except for the following pages and lines:

Page	Lines
8	17-25
9	1-15, 21-25
11	1-25, grant confidentiality only for numerical values on lines 11, 18, 24

12	1-25, grant confidentiality only for numerical values on lines 9 and 15
13	1-24, grant confidentiality only for numerical values on lines 7, 13, 17, and 21
17	20-25, grant confidentiality only for numerical value on line 23
18	1-13, grant confidentiality only for numerical values on lines 4 and 8; 19-25
19	1-18, grant confidentiality only for numerical values on lines 1 and 9
20	1 (starting after period)- 10, 20-25,
21	1-25
22	2-6
35	20-25
36	10-17
37	4-22, 24-25, grant confidentiality only for numerical value on line 25
38	1-13
68	17-21, 24-25
69	1-9, 12 (starting at the period) - 25
70	1-2
116	24-25
117	1-16
121	3-8, 10-12, 24-25
122	1-9, 11, 16-21
126	12-18, 24-25
127	1-13, 15-17, 20-25
128	21-24, 14-16
129	7-25
130	1-25
131	1-19, 24-25

132	1-5, 8-20, 25
191	2-8, 12-25
192	1-25
193	1-2
260	7-10

The above referenced pages and lines do not concern negotiations between TECO and Allied and TECO and Odyssey and therefore do not qualify as proprietary business information.

**Document No. 05482-01, Deposition Testimony of James W. Palmer.**

Staff recommends that Allied's confidentiality request for Document No. 05482-01 be granted, except for the following pages and lines:

Page	Lines
38	23-24
39	4-15
40	14-17, 20-22
41	3-11, 20-25
42	1-15
43	3-15
44	9-25
45	1-25
46	1-11, 14-25
47	1-2, 5-9, 12-22
48	2-6, 23-25
49	1-19, 22-25
50	1-5, 7-8, 12, 21
51	6-17, 22-25
52	1-6
57	1-13

The above referenced pages and lines do not concern negotiations between TECO and Allied and TECO and Odyssey and therefore do not qualify as proprietary business information.

**Document No. 05483-01, Deposition Testimony of Peter DeAngelis.**

Staff recommends that Allied's confidentiality request for Document No. 05483-01 be granted, except for the following pages and lines:

Page	Lines
34	24-25
35	1-2, 17-24
36	24-25
37	1-4, 10-16
38	2-24
39	4-16
126	21-25
127	1-25
128	1-12, 23-25
129	1-23
133	11-25
134	18-25
140	8-18

The above referenced pages and lines do not contain business information involving Allied's plans to build a plant or work performed by Mr. DeAngelis involving siting, construction, and operation of a plant. The information does therefore not qualify as proprietary business information.

**Document No. 05484-01, Deposition Testimony of Charles Phillips, Jr.**

Staff recommends that Allied's confidentiality request for Document No. 05484-01 be granted, except for the following pages and lines:

Page	Lines
6	9, 12-15, 18-25
7	1-2, 4-9, 13-20, 25
8	1-20, 22-25, grant confidentiality only for numerical values on lines 9, 10, 12, 13, 16, 19, and 20
9	3-25
10	1-22, 24-25, grant confidentiality only for numerical values on lines 3, 10, and 18
11	1-25, grant confidentiality only for numerical values on lines 3, 4, and 5
12	1-13, 16-19, 24-25, grant confidentiality only for numerical values on lines 8, 9, 10, 11, and 17
13	7-9, 11-25
14	2, 5, 10-18, 22-23
16	17-23
38	11-22
39	9-18, 21-25
40	6-13, 16-18
41	1-4, 22-25
42	4-5
61	1-14

The lines and pages listed above do not reveal information regarding TECO's negotiations with Allied and Odyssey and do not qualify as proprietary business information.

**Document No. 05693-01, Deposition Transcript of Stephen Sidelko.**

Staff recommends that TECO's confidentiality request for Document No. 05693-01 be granted.

**Document No. 05694-01, Deposition Transcript of Patrick Allman.**

Staff recommends that TECO's confidentiality request for Document No. 05694-01 be granted, except for the following pages and lines:

Page	Lines	Justification
149	6-14, 16-25	General information about TECO's interruptible customers
150	7-13, 21-25	General information about TECO's interruptible customers
151	6	Numerical value is public information
151	3-7, 10- 11, 13- 14, 23	General information about TECO's interruptible customers
152	21-25	General information about other utilities' rate schedules
153	4-5	General information about TECO's interruptible customers

**Document No. 05820-01, Deposition Transcript of Pamela Winters.**

Staff recommends that TECO's confidentiality request for Document No. 05820-01 be granted.

**Document No. 05761-01, Deposition Transcript of Robert Namoff.**

TECO requested confidentiality for lines 21-25 at page 105, lines 1-25 at page 106, and lines 1-7 at page 107. TECO states that this information discloses negotiated terms and conditions of the Odyssey or Allied CSA.

Staff recommends that TECO's confidentiality request for Document No. 05761-01 be granted only for the following pages and lines: line 24 at page 105, lines 8-10 and lines 19-25 at page 106, and the first two words on line 3 at page 107. This information specifically addresses Allied's negotiations with TECO and an alternative power provider. The remaining pages and lines do not disclose any negotiated terms or conditions of the Odyssey or Allied CSA and do therefore not qualify as proprietary business information.