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February 19, 2004

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

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COMMISSION
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Re: Docket No. 040086-EI


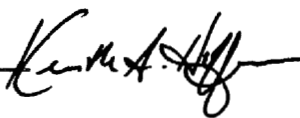
Dear Ms. Bayo:

Enclosed herewith for filing on behalf of Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI") are the original and fifteen copies of Allied/CFI's Request for Confidential Classification.

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

Sincerely,

RECEIVED & FILED


FPSC-BUREAU OF RECORDS 

Kenneth A. Hoffman

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Allied Universal Corporation and)
Chemical Formulators, Inc.'s Petition to)
Vacate Order No. PSC-01-1003-AS-EI)
Approving, as Modified and Clarified, the)
Settlement Agreement between Allied)
Universal Corporation and Chemical)
Formulators, Inc. and Tampa Electric)
Company and Request for Additional)
Relief.)
_____)

Docket No. 040086-EI
Filed: February 19, 2004

**ALLIED UNIVERSAL CORPORATION
AND CHEMICAL FORMULATORS, INC.'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI"), by and through its undersigned counsel, and pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby files this Request for Confidential Classification for portions of its Petition to Vacate Order No. PSC-01-1003-AS-EI Approving, as Modified and Clarified, the Settlement Agreement between Allied Universal Corporation and Chemical Formulators, Inc. and Tampa Electric Company and Request for Additional Relief. As grounds for its request, Allied/CFI states as follows:

1. On January 30, 2004, Allied/CFI filed its Petition to Vacate Order No. PSC-01-1003-AS-EI Approving, as Modified and Clarified, the Settlement Agreement between Allied Universal Corporation and Chemical Formulators, Inc. and Tampa Electric Company and Request for Additional Relief ("Petition"). Allied/CFI contemporaneously filed on January 29, 2004, a Notice of Intent to Seek Confidential Classification of portions of its Petition (and Exhibits A, D and E attached thereto) on the grounds that it contained information that clearly constitutes, or may be viewed by Tampa Electric Company ("TECO") to constitute, proprietary confidential business

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information. Such information was redacted from Allied/CFI's Petition (and Exhibits A, D and E attached thereto) filed with the Commission Clerk and served on the parties. A copy of the unredacted pages of Allied/CFI's Petition and Exhibits A, D and E containing the proprietary confidential business information was filed under a separate cover with the Commission Clerk.

2. Subsequent to the filing of the Notice of Intent, Odyssey Manufacturing Company ("Odyssey") has taken the position in pending circuit court litigation¹ that the redacted portions of the Petition referring to statements made by Odyssey's President, Mr. Sidelko, in a deposition taken on December 18, 2003 in that pending circuit court case, and redacted portions of Mr. Sidelko's deposition transcript attached as Exhibit D to the Petition, are confidential. These redacted portions of the Petition and Exhibit D to the Petition address Odyssey's negotiations with TECO toward a discounted electric service rate under TECO's Commercial Industrial Service Rider ("CISR") Tariff. On February 13, 2004, Odyssey filed an Emergency Motion for Abeyance of this proceeding on the grounds that such redacted portions of the Petition (and perhaps even unredacted portions of Petition that reference or attach Mr. Sidelko's deposition) violate a September 3, 2002 Protective Order issued by the court in the pending Dade County litigation. Odyssey seeks an abatement of this proceeding pending a ruling by the circuit court on its February 13, 2004 Emergency Motion for Contempt and Sanctions.

3. The Petition and Exhibits A, D and E to the Petition contain specific information related to and arising from negotiations between TECO and Odyssey and the culmination of a

¹Allied Universal Corporation and Chemical Formulators, Inc. v. Odyssey Manufacturing Company and Sentry Industries, Inc., Dade County Circuit Court Case No. 01-27699 CA 25.

Contract Service Agreement (“CSA”) pursuant to TECO’s CISR Tariff.² The Petition also contains specific information related to and arising from discussions between TECO and Allied/CFI, wherein Allied/CFI sought to obtain a CSA from TECO pursuant to TECO’s CISR Tariff. The redacted information in the Petition (and Exhibits A, D and E to the Petition) is viewed or may be viewed by TECO and Odyssey, and has previously been recognized by the Commission, to constitute proprietary confidential business information which should be designated as confidential pursuant to Section 366.093(3)(d) and (e), Florida Statutes.

4. Further, TECO’s Commission-approved Tariff Sheet No. 6.710 implementing TECO’s CISR Tariff, provides that a CSA shall be considered a confidential document, and that the pricing levels and procedures described within the CSA, as well as information supplied by the customer through an energy audit or as a result of negotiations or information requests by the Company and any information developed by the Company in connection therewith, shall be made available for review by the Commission and its staff only and such review shall be made under the confidentiality rules of the Commission. The CSA entered into between TECO and Odyssey has been granted confidential classification by the Commission in Order No. PSC-01-1442-CFO-EI issued July 5, 2001.

5. The portions of Allied/CFI’s Petition, and Exhibits A, D and E attached thereto, for which confidential classification is sought, all relate to the information as described above.

²TECO’s CISR Tariff was approved by the Commission pursuant to Order No. PSC-98-1081-FOF-EI, issued August 10, 1998, in Docket No. 980706-EI. The CISR Tariff authorizes TECO to negotiate a discount on base energy and/or base demand charges with commercial/industrial customers who can demonstrate that they have viable alternatives to taking electric service from TECO.

Specifically, paragraph 19 of the Petition includes an excerpt from a sworn affidavit of the president of Odyssey which was provided to TECO by Odyssey in the course of its negotiations to secure a discounted rate under TECO's CISR Tariff. The information contained in the affidavit relating to a specific kilowatt hour rate is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes, and pursuant to the CISR Tariff. In addition to appearing in the affidavit, which is included in Composite Exhibit A of the Petition, this specific information, or discussions related to this specific information, appears throughout the body of the Petition. See, Petition at page 7, Paragraphs 19-20; Petition at page 9, Paragraph 26; Petition at page 10, Paragraph 27; Petition at page 11, Paragraph 31; Petition at page 12, Paragraphs 33-34; Petition at page 13, Paragraphs 35-36; and Composite Exhibit A, Exhibit D, and Exhibit E to the Petition.

6. The remaining portions of Allied/CFI's Petition for which confidential classification is sought is also entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes, and pursuant to the CISR Tariff. Specifically, it is information directly related to the negotiations between TECO and Allied/CFI, in which Allied/CFI sought to secure a discounted rate under TECO's CISR Tariff. See, Petition at page 8, Paragraphs 23-24; Petition at page 10, Paragraph 30, Petition at page 13, Paragraph 36; and Exhibit D to the Petition.

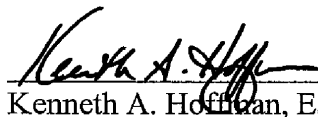
7. Allied/CFI submits that the redacted information contained in its Petition, and Exhibits A, D and E to the Petition, are proprietary confidential business information within the meaning of Section 366.093(3)(d) and (e), Florida Statutes, and pursuant to TECO's CISR Tariff. Pursuant to Section 366.093, Florida Statutes, such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. The material for which

confidential classification is sought is intended to be, and is treated as, confidential by TECO and Allied/CFI, and has not been otherwise publicly disclosed.³

8. The Commission has previously granted confidential treatment to similar information in Docket No. 000061-EI. Specifically, in Order No. PSC-00-1886-CFO-EI, issued October 16, 2000, the Commission found information exchanged between TECO and Odyssey and between TECO and Allied in connection with each company's respective requests for rates under TECO's CISR tariff to be proprietary business information under Section 366.093, Florida Statutes.

WHEREFORE, for the above and foregoing reasons, Allied Universal Corporation and Chemical Formulators, Inc. respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



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³Due to ministerial error, portions of the redacted information in the Petition and Exhibit D to the Petition were not redacted in filings made with the Commission on January 13, 2004 and January 16, 2004, respectively. Each of those filings has been withdrawn without prejudice, the filings removed from Internet access and sent to the Commission archives and the unredacted portions of the filings returned to Allied/CFI's counsel by the Bureau of Records of the Commission's Division of the Commission Clerk and Administrative Services.

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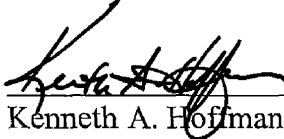
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Hand Delivery this 19th day of February, 2004, to the following:

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