

ORIGINAL

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE

GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

May 12, 2004

RECEIVED-FPSC
MAY 12 PM 4:30
COMMISSION
CLERK
HAND DELIVERY

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

Re: Docket No. 040086-EI - 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

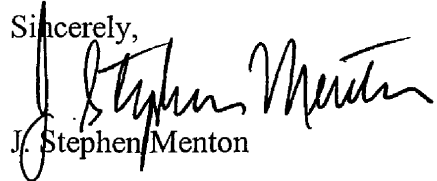
Dear Ms. Bayo:


Enclosed herewith for filing on behalf of Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI") are the following documents:

- 1. Original and fifteen copies of Allied/CFI's Notice of Intent to Request Specified Confidential Classification with redacted attachment; and
- 3. An envelope marked "Confidential" containing the unredacted pages of the deposition transcript containing the proprietary confidential business information highlighted in yellow.

CMP _____
 COM _____
 CTR _____
 ECR 1
 GCL _____
 OPC _____
 MMS _____
 RCA _____
 SCR _____
 SEC 1
 OTH 1 cent records

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,

J. Stephen Menton

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
05527 MAY 12 3
FPSC-COMMISSION CLERK

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: May 12, 2004

**ALLIED UNIVERSAL CORPORATION
AND CHEMICAL FORMULATORS, INC.'S
NOTICE OF INTENT TO REQUEST
CONFIDENTIAL CLASSIFICATION**

Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI"), pursuant to Rule 25-22.006(3)(a), Florida Administrative Code, hereby files this Notice of Intent to Request Confidential Classification and states the following:

1. On April 22, 2004, in the matter of Allied Universal Corporation, et al, v. Odyssey Manufacturing Company, et al, Case No. 01-27699 CA25 in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Judge Michael B. Chavies signed and entered the Agreed Order on Defendants' Emergency Motion for Contempt and for Sanctions ("Agreed Order"). The Agreed Order provides that the parties to the Circuit Court proceeding are permitted to file any and all documents and deposition transcripts obtained in that matter with the Florida Public Service Commission ("PSC"), subject to that party seeking confidential classification thereof pursuant to the applicable rules.

2. Pursuant to the Agreed Order, Allied/CFI is filing portions of the transcript of the deposition of Patrick Allman, taken in the Circuit Court proceeding on April 19, 2004. The portions of deposition transcript that are being filed contain information that is clearly, or perhaps may be

DOCUMENT NUMBER-DATE

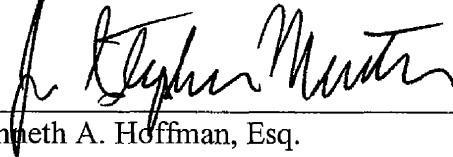
05527 MAY 12 3

FPSC-COMMISSION CLERK

viewed by Tampa Electric Company or Odyssey to constitute, proprietary confidential business information. Such information has been redacted from the portions of the deposition transcript filed with the Commission's Director, Division of Commission Clerk and Administrative Services. A copy of the unredacted pages of the deposition transcript containing the proprietary confidential business information (highlighted in yellow) has been provided under separate cover in an envelope marked "CONFIDENTIAL" filed on this date with the Director, Division of Commission Clerk and Administrative Services.

3. In accordance with Rule 25-22.006(3)(a) and (4), Florida Administrative Code, Allied/CFI will file a Request for Confidential Classification of said proprietary confidential business information within twenty-one days of the filing of this Notice of Intent.

Respectfully submitted,



Kenneth A. Hoffman, Esq.
J. Stephen Menton, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
Post Office Box 551
Tallahassee, FL 32302
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

Daniel K. Bandklayder, Esq.
Anania, Bandklayder, Blackwell, Baumgarten,
Torricella & Stein
Suite 4300 International Place
100 Southeast Second Street
Miami, Florida 33131
(305) 373-4900 (Telephone)
(305) 373-6914 (Telecopier)
Attorneys for Allied Universal Corporation
and Chemical Formulators, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail, this 12th of May, 2004, to the following:

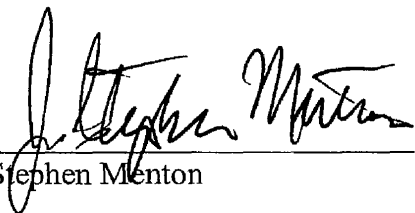
Stephen C. Burgess, Esq.
Harold McLean, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

Harry W. Long, Jr., Esq.
Tampa Electric Company
P.O. Box 111
Tampa, Florida 33601-0111

James D. Beasley, Esquire
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301

Wayne Schiefelbein, Esquire
Rose, Sundstrom & Bentley
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Martha Carter-Brown, Esquire
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



J. Stephen Menton

1

1 IN THE CIRCUIT COURT OF THE
2 ELEVENTH JUDICIAL CIRCUIT
3 IN AND FOR DADE COUNTY, FLORIDA

4 ALLIED UNIVERSAL CORPORATION,)
5 a Florida Corporation; and)
6 CHEMICAL FORMULATORS, INC.,)
7 a Florida Corporation,)
8 Plaintiffs,)

9 vs.) No. 01-27699 CA 25

10 ODYSSEY MANUFACTURING)
11 COMPANY, a Delaware)
12 Corporation; and SENTRY)
13 INDUSTRIES, INC., a Florida)
14 Corporation,)
15 Defendants.)

16 Fort Lauderdale, Florida
17 April 19, 2004
18 2:00 o'clock P.M.

19 - - - - -

20 DEPOSITION
21 OF
22 PATRICK ALLMAN

□

25
2

1 APPEARANCES:

2 ANANIA, BANDKLAYDER, BLACKWELL, BAUMGARTEN,
TORRICELLA & STEIN

12 bankers at one point and they indicated to me that the
13 customer had to have a fixed price electricity contract
14 that supported their business plan before they were
15 going to lend them any money.

16 That's about all I remember.

17 Q Did the bankers have a fixed price in mind?

18 A Yes.

19 Q What was that?

20 A [REDACTED] a megawatt hour just like it was in the
21 business plan.

22 Q You remember that?

23 A Yes.

24 Q And that was what was in the business plan?

25 A Correct.

12

1 Q Now that [REDACTED] that you recall as being in the
2 business plan, [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Q On the next page, page two of this exhibit,
15 which is marked page 310 of 1545, near the top, it says
16 that for the first two years the plant would consume

17 go to the Public Service Commission.

18 Q What about in this case with regard to
19 odyssey? [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q So they're just part of the --

23 A Of the rate.

24 [REDACTED]

25 [REDACTED]

0 20

1 A Correct.

2 Q Typically today what part of a GSLD customer's
3 electric bill is comprised of a fuel charge?

4 A I have no idea. I haven't looked at an
5 electric bill in TECO in probably five years.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 Q so obviously odyssey was the only one?

11 A Every tariff that odyssey had filed at the
12 time didn't -- had it filed in such a way or TECO had
13 filed in such a way that the fuel was always variable.

14 Q Right.

15 A Their economic development tariff was the
16 first tariff that they filed where the fuel wasn't.

17 Q By economic development tariff --

18 A The CISR tariff.

19 Q Right, that's C-I-S-R.

20 When you appeared for deposition before you