

**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

June 1, 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

**HAND DELIVERY**

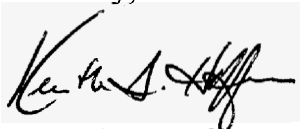
Re: Docket No. 040086-EI

RECEIVED-FPSC  
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COMMISSION CLERK

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,  
  
Kenneth A. Hoffman

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR 1
- GCL 1 KAH/rl
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(FOR 05528-04)  
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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Allied Universal Corporation and )  
Chemical Formulators, Inc.'s Petition to ) Docket No. 040086-EI  
Vacate Order No. PSC-01-1003-AS-EI )  
Approving, as Modified and Clarified, the ) Filed: June 1, 2004  
Settlement Agreement between Allied )  
Universal Corporation and Chemical )  
Formulators, Inc. and Tampa Electric )  
Company and Request for Additional )  
Relief. )

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**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. As grounds for its request, Allied/CFI states as follows:

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 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida, Judge Michael B. Chavies entered an Agreed Order on Defendants' Emergency Motion for Contempt and for Sanctions ("Agreed Order"), attached hereto as Exhibit "A." 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 PSC rules.

2. On May 12, 2004, Allied/CFI filed portions of the transcript of the deposition of Patrick Allman, taken in the Circuit Court proceeding on April 19, 2004. Pursuant to the Agreed

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FPSC-COMMISSION CLERK

Order, and in an abundance of caution, on May 12, 2004, Allied/CFI contemporaneously filed its Notice of Intent to Seek Confidential Classification of the portions of the deposition transcript of Patrick Allman on the grounds that the portions of the deposition transcript being filed contain information that is clearly, or perhaps may be viewed by Tampa Electric Company (“TECO”) or Odyssey Manufacturing Company (“Odyssey”), to constitute proprietary confidential business information. Such information was redacted from the portions of the deposition transcript filed with the Commission Clerk and served on the parties. A copy of the unredacted pages of the deposition transcript containing the proprietary confidential business information was filed under a separate cover with the Commission Clerk.

3. On May 21, 2004, the Office of Public Counsel (“OPC”) filed its Motion for Determination of the Proper Treatment of Deposition Transcript of Mr. Patrick Allman, which is the same deposition transcript that is the subject of this request. Through its Motion, OPC is requesting that the Commission rule on the confidential status of the entire transcript of Patrick Allman’s April 19, 2004 deposition. OPC notes in its Motion that the deposition transcript was obtained as a public record from the Dade County Circuit Court case and that the entire transcript is being treated as public record by the Circuit Court, openly obtainable by any citizen. OPC maintains that it does not believe that any of the Allman deposition transcript can be classified as confidential at this point.

4. On June 1, 2004, Allied/CFI filed its Response to OPC’s Motion for Determination of the Proper Treatment of Deposition Transcript of Mr. Patrick Allman. Like OPC, Allied/CFI does “not believe any of the transcript [of the Allman deposition] can be classified as confidential at this

point” because it is an open public record in the Circuit Court case.<sup>1</sup> However, until the prehearing officer or the Commission rules on OPC’s Motion, Allied/CFI believes it must comply with the Agreed Order. Accordingly, Allied/CFI filed the portions of the Allman deposition transcript with information that might be viewed by TECO or Odyssey as proprietary confidential business information in redacted form, along with its Notice of Intent to seek confidential classification of those portions.

5. The portions of the Allman deposition transcript for which confidentiality classification is sought contain specific information related to and arising from negotiations between TECO and Odyssey culminating in Contract Service Agreement (“CSA”) pursuant to TECO’s Commission approved CISR Tariff. The redacted information in the portions of the Allman deposition is viewed or may be viewed by TECO and Odyssey to constitute proprietary confidential business information which should be designated as confidential pursuant to Section 366.093(3)(d) and (e), Florida Statutes, unless the prehearing officer or Commission determines (in response to OPC’s Motion) that public records are not subject to confidential classification under Rule 25-22.006, Florida Administrative Code.

6. 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

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<sup>1</sup> OPC Motion, at ¶5.

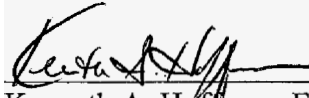
by the Commission and its staff only and such review shall be made under the confidentiality rules of the Commission. The CSA entered into between TECO and Odyssey has been granted confidential classification by the Commission in Order No. PSC-01-1442-CFO-EI issued July 5, 2001.

7. The portions of the Allman deposition transcript for which confidential classification is sought relates to information as described above in paragraph 5, and is entitled to confidential classification pursuant to Section 366.093(3)(d) and (e), Florida Statutes, and pursuant to the CISR Tariff, again, subject to a ruling as described above on OPC's Motion.

8. Rule 25-22.006(4)(d), Florida Administrative Code, requires that a request for confidential classification shall include an affirmative statement that the material for which confidential classification is sought is intended to be and is treated by the utility or other person as private and has not been disclosed. As noted previously, the entire deposition transcript of Mr. Allman is being treated as public record by the Dade County Circuit Court and is openly obtainable by any citizen. Allied/CFI however, in an abundance of caution, and for the reasons previously stated, has continued to treat the deposition transcript as private and has not disclosed any portion of the deposition transcript to the public.

WHEREFORE, for the above and foregoing reasons, Allied Universal Corporation and Chemical Formulators, Inc., subject to a potential ruling that public records are not subject to confidential classification under Rule 25-22.006, Florida Administrative Code, respectfully requests that its Request for Confidential Classification be granted.

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 1<sup>st</sup> day of June, 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  
John L. Wharton, 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

  
Kenneth A. Hoffman, Esq.

received  
4/26/04

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

ALLIED UNIVERSAL CORPORATION, :  
a Florida corporation, :

Case No.01-27699 CA25

and :

CHEMICAL FORMULATORS, INC. :  
a Florida corporation, :

Plaintiffs, :

v. :

ODYSSEY MANUFACTURING :  
COMPANY, a Delaware Corporation, and :  
SENTRY INDUSTRIES, INC., a Florida :  
corporation, :

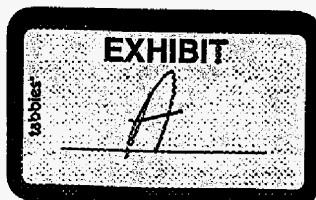
Defendants.

**AGREED ORDER ON DEFENDANTS' EMERGENCY  
MOTION FOR CONTEMPT AND FOR SANCTIONS**

THIS CAUSE having come on to be heard on Defendants, ODYSSEY  
MANUFACTURING COMPANY and SENTRY INDUSTRIES, INC.'S, Emergency Motion for  
Contempt and for Sanctions, and the parties having agreed to the entry of this Order and the  
Court otherwise being fully advised in the premises, it is hereby

CONSIDERED, ORDERED AND ADJUDGED as follows:

1. The Court's Protective Order dated September 3, 2002 remains in full force and effect.
2. The parties are hereby permitted to file any and all documents and deposition transcripts obtained during the captioned matter with the Florida Public Service Commission





("PSC"), Docket No. 040086-EI, subject to said party seeking confidential classification thereof pursuant to Rule 25-22.006, F.A.C.

DONE AND ORDERED in Chambers in Miami-Dade County, Florida, this \_\_\_\_\_ day of March, 2004.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

**Conformed Copy**  
**APR 22 2004**  
**Michael B. Chavies**  
**Circuit Court Judge**

Copies Furnished:

Glenn N. Smith, RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A., P.O. Box 1900, Fort Lauderdale, Florida 33302

Lawrence D. Silverman, Esq., AKERMAN, SENTERFITT & EIDSON, P.A., SunTrust International Center, 28th Floor, One Southeast Third Avenue, Miami, Florida 33131-1704

Daniel K. Bandklayder, Esq., ANANIA, BANDKLAYDER, BLACKWELL BAUMGARTEN & TORRICELLA, 4300 Nations Bank Tower, 100 Southeast Second Street, Miami, Florida 33131

Kenneth A. Hoffman, Esq., RUTLEDGE, ECENIA, PURNELL & HOFFMAN, P.A., 215 South Monroe Street, Suite 420, P.O. Box 551, Tallahassee, Florida 32302

Wayne L. Schiefelbein, Esq., ROSE, SUNDSTROM & BENTLEY, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301