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August 23, 2004

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COMMISSION CLERK  
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Ms. Blanca S. Bayo, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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-ED 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 original and fifteen copies of Allied/CFI's Motion for Extension of Time to File Response in Opposition to Motions filed by Odyssey Manufacturing Company and Tampa Electric Company.

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

Enclosures

RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

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: August 23, 2004

**ALLIED UNIVERSAL CORPORATION  
AND CHEMICAL FORMULATORS, INC.'S  
MOTION FOR EXTENSION OF TIME TO  
FILE RESPONSE IN OPPOSITION TO MOTIONS FILED  
BY ODYSSEY MANUFACTURING COMPANY  
AND TAMPA ELECTRIC COMPANY**

Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI"), by and through its undersigned counsel, and pursuant to Rule 28-106.204, Florida Administrative Code, hereby moves for an extension of time up to and until September 10, 2004, for the filing of Allied/CFI's Response In Opposition to the Motion to Dismiss and Motion for Attorney's Fees and Sanctions filed by Odyssey Manufacturing Company ("Odyssey"), and to the Motion to Dismiss filed by Tampa Electric Company ("TECO"). In support of this Motion, Allied/CFI states the following:

1. On July 2, 2004, Allied/CFI filed its Motion for Leave to File its Amended 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 ("Amended Petition").

2. On July 20, 2004, the Prehearing Officer assigned to this docket issued an Order granting Allied/CFI's Motion for Leave to File its Amended Petition with the proviso that Allied/CFI

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provide Odyssey and TECO with copies of Allied/CFI's unredacted Amended Petition and exhibits within 7 days of the issuance of the Prehearing Officer's Order. Allied/CFI provided Odyssey and TECO unredacted copies of its Amended Petition and exhibits to counsel for Odyssey and TECO via hand-delivery and facsimile on July 20, 2004, the same day that the Prehearing Officer's Order was issued. Pursuant to the Prehearing Officer's Order, Odyssey and TECO were given 27 days from the date of the Order to file their respective motions to dismiss Allied/CFI's Amended Petition, making them due by August 16, 2004.

3. On August 13, 2004, the Prehearing Officer issued an Order granting TECO's request that an extension to file its motion to dismiss be granted due to the fact that Hurricane Charley was approaching the west coast of Florida, and was expected to make landfall near the Tampa Bay area. The Prehearing Officer's Order extended the deadline for Odyssey and TECO to file their motions to dismiss Allied/CFI's Amended Petition until Friday, August 20, 2004.

4. On August 20, 2004, Odyssey filed and served its Motion to Dismiss Amended Petition of Allied Universal Corporation and Chemical Formulators, Inc., and its Motion for Attorney's Fees and Sanctions, via hand delivery, facsimile and U.S. Mail. Also on August 20, 2004, TECO filed and served its Motion to Dismiss and Answer of Tampa Electric Company to the Amended Petition of Allied Universal Corporation and Chemical Formulators, Inc. 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, via electronic mail. According to Rules 28-106.103 and 28-106.204(1), Florida Administrative Code, Allied/CFI is required to file its response to Odyssey's

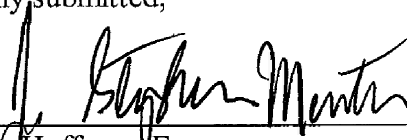
Motion to Dismiss and Motion for Attorney's Fees and Sanctions and TECO's Motion to Dismiss by Friday, August 27, 2004.

5. Pursuant to Rule 28-106.204(5), Florida Administrative Code, Allied/CFI hereby requests that the Prehearing Officer grant Allied/CFI a two-week extension to file its Response to Odyssey's Motion to Dismiss, Odyssey's Motion for Attorney's Fees and Sanctions, and to TECO's Motion to Dismiss, thereby making all of Allied/CFI's Responses due no later than September 10, 2004. Allied/CFI requests this extension of time to research and prepare its response in opposition to the two lengthy Motions to Dismiss, and to Odyssey's Motion for Attorney's Fees and Sanctions. The additional time will be needed to adequately and fully respond to Odyssey's Motion to Dismiss, which is over fifty pages, TECO's Motion to Dismiss which is eighteen pages, and Odyssey's Motion for Attorney's Fees and Sanctions. None of the parties will be prejudiced or harmed in any way if Allied/CFI's request is granted.

6. Pursuant to Rule 28-106.204(3), Florida Administrative Code, counsel for Allied/CFI has conferred with the parties to determine whether they object to Allied/CFI's request. Counsel for TECO and the Office of Public Counsel stated that they have no objection to Allied/CFI's request, and Counsel for Odyssey stated that Odyssey takes no position to Allied/CFI's request.

WHEREFORE, in consideration of the above, Allied Universal Corporation and Chemical Formulators, Inc. respectfully request that it be granted an extension of time up to and until September 10, 2004, to file its Response to Odyssey's Motion to Dismiss, Odyssey's Motion for Attorney's Fees and Sanctions, and to TECO's Motion to Dismiss.

Respectfully submitted,



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Attorneys for Allied Universal Corporation  
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**CERTIFICATE OF SERVICE**

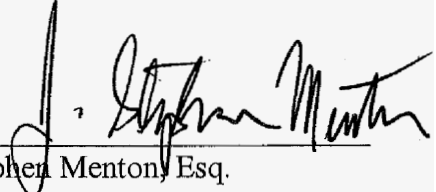
I HEREBY CERTIFY that a copy of the foregoing has been furnished by Hand Delivery and U.S. Mail(\*) this 23<sup>rd</sup> day of August, 2004, to the following:

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