

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: September 9, 2004

REQUEST FOR CONFIDENTIAL CLASSIFICATION

Odyssey Manufacturing Company ("Odyssey"), by and through undersigned counsel and pursuant to Rule 25-22.006(4)(a), Florida Administrative Code, files this Request for Confidential Classification and states as follows:

1. Odyssey seeks confidential classification of nine (9) references to its initial CISR rate on pages 39, 40 and 41 of its Motion to Dismiss Amended Petition of Allied Universal Corporation and Chemical Formulators, Inc. (Motion to Dismiss). The first, on the last line of page 39, refers to the rate as included in an affidavit of Steve Sidelko, Odyssey's President. The remaining eight references quote from or otherwise refer to Mr. Sidelko's testimony at an uncompleted December 18, 2003, deposition in a pending civil action brought by 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.

2. The rate as identified in said affidavit has previously been accorded confidential classification by the Commission, in Docket No. 000061-E1. E.g. Order No. PSC-01-2253-CFO-EI (November 16, 2001) at page 31

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3. With reference to the said deposition, on April 22, 2004, Circuit Judge Michael B. Chavies signed an Agreed Order on Defendants' Emergency Motion for Contempt and for Sanctions in said civil action which provides in part that:

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.

4. Odyssey filed said deposition transcript in the instant docket in its entirety on April 22, 2004, together with a Notice of Intent to Request Confidential Classification. Portions of said transcript, (including the eight portions referenced in but redacted from discussion or quotation in the Motion to Dismiss) were specifically the subject of a pending Request for Confidential Classification as filed by Odyssey on May 13, 2004.

5. Concurrently with its August 20, 2004 Notice of Intent to Request Confidential Classification, Odyssey filed an original and one (1) copy of the unredacted page 39, 40 and 41 of its Motion to Dismiss, in an envelope marked "Confidential" with the confidential portions highlighted on the copy. Odyssey has also filed fifteen (15) edited copies of said pages within the Motion to Dismiss also filed on event date with the confidential information therein redacted.

6. The information within the Motion To Dismiss for which confidential classification is requested is specifically identified in Exhibit "A" attached hereto.

7. The information for which confidential classification is requested in Exhibit "A" hereto is intended to be, and is treated by Odyssey as, private and has not been publicly disclosed.

8. However, it is the undersigned counsel's understanding that counsel for Allied/CFI

in the civil action filed the unredacted deposition transcript of Mr. Sidelko in the docket file of that circuit court action on January 21, 2004. Said matter is the subject of a pending Motion to Seal Documents in Court File. The Commission is fully apprised of this controversy. See for example Order No. PSC-04-0724-CFO-EI (July 20, 2004) and the transcript of deliberations at the July 20, 2004 agenda conference which Odyssey filed with the aforesaid Notice of Intent to Seek Confidential Classification. In said July 27, 2004 Order, the Prehearing Officer directed *inter alia* that the deposition transcript of Mr. Sidelko has been and will continue to be treated as confidential pursuant to Section 366.093, Florida Statutes, and Commission Rule 25-22.006, Florida Administrative Code, pending a definitive Commission ruling at the appropriate time.

Wherefore, Odyssey Manufacturing Corporation requests that its Request for Confidential Classification be granted.

Respectfully submitted this 9th day of September, 2004.



WAYNE L. SCHIEFELBEIN

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification has been furnished via U.S. Mail to the following on this 07 day of September, 2004:

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Wayne L. Schiefelbein

Exhibit "A"

Odyssey has redacted from the Motion to Dismiss the following references to its own CISR rate.

<u>Pages (Electronic)</u>	<u>Lines</u>
39	23, 26
40	2, 21, 25
41	1, 4, 11, 12