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November 29, 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. 000061-EI

Dear Ms. Bayo:

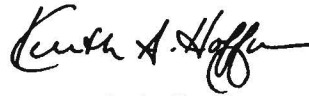
Enclosed herewith for filing on behalf of Allied Universal Corporation and Chemical Formulators, Inc. are the original and fifteen copies of Allied Universal Corporation and Chemical Formulators, Inc.'s Response to Tampa Electric Company's Supplement to Request for Extension of Confidential Classification and Odyssey Manufacturing Company's Supplement to Renewed Request for Confidentiality.

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.

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Sincerely,



Kenneth A. Hoffman

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2), and 366.07, F.S., with respect to rates offered under commercial/industrial service rider tariff; petition to examine and inspect confidential information; and request for expedited relief.)

Docket No. 000061-EI

Filed: November 29, 2004

ALLIED UNIVERSAL CORPORATION AND CHEMICAL FORMULATORS, INC.'S RESPONSE TO TAMPA ELECTRIC COMPANY'S SUPPLEMENT TO REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION AND ODYSSEY MANUFACTURING COMPANY'S SUPPLEMENT TO RENEWED REQUEST FOR CONFIDENTIALITY

Allied Universal Corporation and Chemical Formulators, Inc. ("Allied/CFI"), by and through their undersigned counsel, hereby files its Response to Tampa Electric Company's ("TECO") Supplement to Request for Extension of Confidential Classification and Odyssey Manufacturing Company's ("Odyssey") Supplement to Renewed Request for Confidentiality,¹ and states as follows:

1. TECO's Supplement to Request for Extension of Confidential Classification and Odyssey's Supplement to Renewed Request for Confidentiality are actually Replies to Allied/CFI's Response to TECO's Request for Extension of Confidential Classification. These Replies focus only on one issue raised in Allied/CFI's Response - - the request for extended confidential classification of the Odyssey and Allied/CFI Contract Service Agreements ("CSAs"). There is no authority for

¹Odyssey erroneously filed its Supplement to Renewed Request for Confidentiality in Docket No. 040086-EI and not in Docket No. 000061-EI.

filing a reply to a response to a motion under the Uniform Rules of Procedure. The attempt by TECO and Odyssey to sidestep applicable procedural rules by labeling their replies a "Supplement to Request" is transparent and should be rejected. The unauthorized Replies filed by TECO and Odyssey should not be considered by the Commission.

2. If the Commission decides to consider TECO's and Odyssey's unauthorized pleadings, Allied/CFI emphasizes once again the distinction between the confidential financial and business information that has been filed by parties to this docket and the CSAs and CISR rates that also have been filed on a confidential basis in this docket and are the subject of both Allied/CFI's Response and the unauthorized Replies. As Allied/CFI stated in its Response, with the termination of TECO's CISR Tariff authority, there is no legitimate public purpose to allow TECO to continue to bury the Odyssey CISR rate under the cloak of confidential cover. The rationale behind maintaining confidentiality of the CISR rate contracts or CSAs was to avoid the availability and use of such contracts by other potential CISR customers in negotiations with TECO to the potential detriment of the remaining body of TECO ratepayers. With the termination of TECO's CISR rate authority, that reason no longer exists.

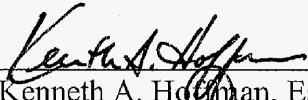
3. TECO cites to paragraphs in the CSAs with Odyssey and Allied that reference the confidentiality of the pricing levels set forth in the CSAs. These CSAs have been granted confidential status most recently by Order No. PSC-03-0532-CFO-EI issued April 22, 2003. In that Order, Chairman Baez did not grant confidential status for the Odyssey and Allied CSAs throughout the ten year terms of these agreements. The Chairman granted confidential status only for the limited period of 18 months from the date of the issuance of the April 22, 2003 Order absent a renewed request for confidentiality. Accordingly, TECO's belated argument that these CSAs are entitled to

confidential classification throughout the term of each agreement has already been implicitly rejected by the Commission.

4. TECO's Reply underscores the lengths to which TECO will go to hide these CISR rates from the public. TECO now argues that maintaining the confidentiality of the CISR rates is essentially a matter of preserving the sanctity of these contracts. Yet TECO provided a letter to Allied dated April 10, 2003 which purportedly terminated the Allied/TECO CSA. TECO's "sanctity of contracts" argument appears to be one of convenience rather than conviction and its efforts to prohibit public inspection of these CSAs and CISR rates should be denied. Odyssey's reference to and reliance on the circuit court's April 22, 2004 Agreed Order on Defendants' Emergency Motion for Contempt and for Sanctions, attached to Odyssey's Supplement to Renewed Request for Confidentiality, merely confirms the court's deference to the Commission's treatment and rulings on the confidentiality of documents filed with the Commission.

Respectfully submitted this 24th day of November 2004.

Respectfully submitted,



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and Chemical Formulators, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail, this 29th day of November, 2004, to the following:

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