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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.

Docket No. 000061-EI

Response by Odyssey Manufacturing Company to Tampa Electric Company's Motions to Compel Responses to Interrogatories Production of Documents

Odyssey Manufacturing Company supports Tampa Electric Company's Motions to Compel Responses to Interrogatories and Motion to Compel Production of Documents, as follows.

1. In their September 25, 2000 objections, the Complainants assert that certain interrogatories and document requests call for trade secret information and/or that the information requested is not relevant to the subject matter of the proceeding and not calculated to or likely to lead to the discovery of evidence which would be admissible in this proceeding. Without more, Odyssey is unable at this time to evaluate the Complainants' objections. The Complainants will presumably more fully articulate their objections in their forthcoming responses to Tampa Electric's motions.
2. Of course the trade secret privilege is not absolute. The trade secrets statute (Section 90.506, Florida Statutes) does not bar complete disclosure of information pursuant to discovery request if fraud will be concealed or an injustice will be worked. The Commission must weigh the importance of protecting the claimant's secret against the interests in facilitating the trial and promoting a just end to the litigation. The trade secret privilege does not protect communications as do other privileges recognized under the Code; it protects trade secrets. Not all internal corporate communications are privileged and thus immune from discovery.

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3. The Complaint in this case requests the Commission in part to determine that Tampa Electric "subjected Allied and CFI to an undue and unreasonable prejudice and disadvantage, with respect to the CISR tariff rates offered by TECO to Odyssey and to Allied/CFI." It would therefore appear that the information sought by TECO is relevant to the subject matter of this

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proceeding, or is calculated to or likely to lead to the discovery of evidence in this proceeding.

4. Odyssey further suggests that the Commission inquire to the extent bid information sought by Interrogatories Nos. 8 and 9 and Request No. 3 is public record or has otherwise been disclosed.
5. Odyssey also suggests that the Commission allow discovery on the extent (if any) as to which the Complainants may have used the pendency of this proceeding as a competitive tool in the marketplace; the information sought by Interrogatories 5 through 7 would appear germane.

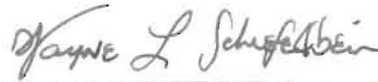


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by U.S. Mail to Harry W. Long, Jr., Esq., TECO Energy, Inc., P.O. Box 111, Tampa, FL 33601; John R. Ellis, Esq. and Kenneth A. Hoffman, Esq., Rutledge, Ecenia, Purnell & Hoffman, 215 S. Monroe St., Suite 420, Tallahassee, FL 32301; James D. Beasley, Esq. and Lee L. Willis, Esq., Ausley & McMullen, 227 S. Calhoun St., Tallahassee, FL 32301; Scott J. Fuerst, Esq., Ruden McClosky, 200 East Broward Blvd., Fort Lauderdale, FL 33301; and Patrick K. Wiggins, Esq., Wiggins & Villacorta, 2145 Delta Blvd., Suite 200, Tallahassee, FL 32303; and by hand-delivery to Marlene K. Stern, Esq., Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, on this 18th day of October, 2000.



Wayne L. Schiefelbein