

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Allied Universal Corporation and Chemical Formulators, Inc. against Tampa Electric Company for violation of Sections 366.03, 366.06(2) and 366.07, Florida Statutes, 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: February 28, 2000

ALLIED/CFI'S RESPONSE IN OPPOSITION TO TAMPA ELECTRIC COMPANY'S MOTION FOR PROTECTIVE ORDER PERTAINING TO NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION

Allied Universal Corporation ("Allied") and Chemical Formulators, Inc. ("CFI"), hereinafter collectively referred to as "Allied/CFI," by and through their undersigned counsel, and pursuant to Rule 28-106.204, Florida Administrative Code, submit the following response in opposition to the Motion of Tampa Electric Company ("TECO") for a Protective Order Pertaining to Notice of Deposition and Request for Production, and state:

1. On February 14, 2000, TECO filed its Objection and Motion for Protective Order Pertaining to Notice of Deposition and Request for Production, together with its Motion for Protective Order, Request for Approval of Proposed Procedures for a Disposition of this Proceeding Without Disclosing Confidential Information and Summary Disposition ("general motion for protective order"), and other pleadings and discovery responses.

2. TECO's motion for protective order as to Allied/CFI's notice of deposition and request for production incorporates by reference TECO's general motion for protective order, and asks the Commission to enter a protective order that the discovery sought by Allied/CFI's notice of

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deposition and request for production not be had.

3. Allied/CFI's response in opposition to TECO's general motion for protective order is being filed concurrently with this response and opposition. Allied/CFI's response to TECO's general motion for protective order argues, *inter alia*, that TECO's motion is an unprecedented attempt to deny Allied/CFI's fundamental due process rights guaranteed by Section 120.57(1)(b), Florida Statutes, and to prevent scrutiny by Allied/CFI of a secret agreement between TECO and Allied/CFI's business competitor, Odyssey Manufacturing Company, which violates fundamental principles of utility regulation prohibiting undue discrimination and which threatens to destroy the economic viability of CFI's existing business in Tampa. Allied/CFI's response to TECO's general motion for protective order is incorporated herein by this reference.

WHEREFORE, Allied/CFI requests that TECO's Motion for Protective Order Pertaining to Notice of Deposition and Request for Production, be denied.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Allied/CFI's Response in Opposition to Tampa Electric Company's Motion for Protective Order Pertaining to Notice of Deposition and Request for Production was furnished by hand delivery(*) and U. S. Mail to the following this 28th day of February, 2000:

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