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July 12, 2004

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: 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; FPSC Docket No. 040086-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Answer of Tampa Electric Company to Public Counsel's Motion to Expedite Determination of the Proper Treatment of Deposition Transcript of Mr. Patrick Allman.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley (RP)

JDB/pp
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE
07573 JUL 12 2004
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Allied Universal Corporation and)
Chemical Formulators, Inc.'s Petition to) Docket No. 040086-EI
Vacate Order No. PSC-01-1003-AS-EI)
Approving, As Modified and Clarified, the) Filed: July 12, 2004
Settlement Agreement Between Allied)
Universal Corporation and Chemical)
Formulators, Inc. and Tampa Electric)
Company and Request for Additional)
Relief)

**ANSWER OF TAMPA ELECTRIC COMPANY TO PUBLIC COUNSEL'S MOTION TO
EXPEDITE DETERMINATION OF THE PROPER TREATMENT OF DEPOSITION
TRANSCRIPT OF MR. PATRICK ALLMAN**

Pursuant to Rule 28-106.204, F.A.C., Tampa Electric Company ("Tampa Electric") hereby files its Answer in opposition to the *Motion to Expedite Determination of the Proper Treatment of Deposition Transcript of Mr. Patrick Allman*, filed by the Office of Public Counsel ("OPC") on June 30, 2004 (the "Motion") to the extent that granting the Motion would delay consideration of the issues raised by Allied Universal Corporation and Chemical Formulators, Inc ("Allied") in this proceeding.

OPC's request for expedition is premised on the notion that the Allman deposition is relevant to the issues raised by Allied and OPC in this proceeding. However, this premise is demonstrably false. The Allman deposition does not reveal any new information with regard to the Odyssey Manufacturing Company ("Odyssey") Commercial Industrial Service Rider ("CISR") tariff rate that was not known to the parties, the Commission Staff, the Commission and the Public Counsel, in his former capacity as Commission General Counsel, at the time that the Odyssey rate was deemed prudent by the Commission. OPC makes no assertion to the contrary. OPC's assertion that the Odyssey CISR rate is in violation of Tampa Electric's CISR Tariff or that Tampa Electric's CISR tariff is in violation of Order No. PSC-98-1081-FOF-EI is

nothing more than an attempt to rekindle a dispute that the Commission has definitively addressed and conclusively resolved.

The nature and derivation of the Odyssey CISR rate was thoroughly vetted by the Commission's Staff and the Commission in Docket No. 000061-EI. In approving the Odyssey CISR rate and Contract Service Agreement ("CSA"), the Commission found the Odyssey rate to be reasonable on the basis of uncontroverted record evidence. OPC did not exercise its right to timely request reconsideration of the Commission's approval of the Odyssey CSA three years ago and has failed to identify and substantiate a single error of law or fact that would justify the relief requested. Therefore, Tampa Electric respectfully submits that the Allman deposition is irrelevant to the matters at issue in this proceeding and that OPC's motion should not serve to delay Commission consideration of the proper disposition of Allied's Petition.

WHEREFORE, Tampa Electric respectfully requests that OPC's Motion be denied and that no relief be granted to OPC.

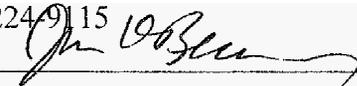
DATED this 12th day of July, 2004.

Respectfully Submitted,

HARRY W. LONG JR.
Assistant General Counsel – Regulatory
Tampa Electric Company
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And

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By: 

ATTORNEYS FOR TAMPA ELECTRIC
COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Answer, filed on behalf of Tampa Electric Company, has been furnished by hand delivery(*) or U. S. Mail on this 12th day of July 2004 to the following:

Ms. Martha Carter Brown*
Ms. Marlene Stern
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