

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Complaint of Allied Universal Corporation and  
Chemical Formulators, Inc. against Tampa Electric  
Company )  
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DOCKET NO. 000061-EI  
FILED: February 14, 2000

**TAMPA ELECTRIC COMPANY'S OBJECTION AND  
MOTION FOR PROTECTIVE ORDER PERTAINING TO  
NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.280(c) and 1.310(c) of the Florida Rules of Civil Procedure, objects to the Notice of Deposition and Request for Production of Document filed February 2, 2000 on behalf of Allied Universal Corporation ("Allied") and moves the Commission for entry of a protective order on the following grounds:

1. Allied/CFI's notice of deposition and request for production seeks to depose a Tampa Electric representative or representatives regarding various requested documents pertaining to Tampa Electric's Contract Service Agreement ("CSA") negotiations with Odyssey Manufacturing Company ("Odyssey") and Allied/CFI pursuant to the company's commercial/industrial service rider ("CISR") tariff. Tampa Electric has filed a response, objections and motion for protective order pertaining to the same types of documents which Allied/CFI have sought to obtain through their First Request for Production of Documents and the grounds stated therein are incorporated herein by reference.

DOCUMENT NUMBER-DATE  
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2. In essence, the various documents with respect to which Allied/CFI desire to depose one or more Tampa Electric's representatives are confidential documents which, under the company's Commission approved CISR tariff, are not to be disclosed to anyone other than the Commission and its Staff.

3. Tampa Electric has prepared and filed a separate motion for protective order and request for approval of proposed procedures for disposition of this proceeding without disclosing confidential information. The substance of that motion and request are incorporated herein by reference.

4. Rule 1.310(c), Florida Rules of Civil Procedure, provides that a party may instruct a deponent not to answer when necessary to preserve a privilege or to enforce a limitation on evidence directed by the court. In this instance, the Commission, by approving Tampa Electric's CISR tariff, has directed that CSA related information not be disclosed to anyone other than the Commission and its Staff. That being the case, Tampa Electric would instruct any Tampa Electric representative at deposition not to answer questions regarding any CSA negotiations or documents relating thereto.

WHEREFORE, Tampa Electric objects to the Notice of Deposition and accompanying document request filed on behalf of Allied/CFI and request the Commission to enter a protective order that such discovery not be had on account of the confidentiality of the documents which are the subject of the deposition notice.

DATED this 14th day of February 2000.

Respectfully submitted,

HARRY W. LONG, JR.  
Chief Counsel  
TECO Energy, Inc.  
Post Office Box 111  
Tampa, FL 33601  
(813) 228-4111

and

A handwritten signature in black ink, appearing to read "Lee L. Willis", is written over a horizontal line.

LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Objection and Motion for Protective Order, filed on behalf of Tampa Electric Company, has been furnished by hand delivery(\*) or U. S. Mail this 14th day of February, 2000 to the following:


Robert V. Elias\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Allied Universal Corporation  
8350 N. W. 93rd Street  
Miami, FL 32166-2026

Chemical Formulators, Inc  
5215 West Tyson Avenue  
Tampa, FL 33611-3223

Ms. Marlene K. Stern\*  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Kenneth Hoffman  
Mr. John Ellis  
Rutledge Law Firm  
Post Office Box 551  
Tallahassee, FL 32302

  
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ATTORNEY

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