

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Tampa Electric)
Company's 2004-2008 Waterborne) DOCKET NO. 031033-EI
Transportation Contract with TECO)
Transport and Associated Benchmark) FILED: March 8, 2004
_____)

**CSX TRANSPORTATION'S OBJECTIONS TO
TAMPA ELECTRIC COMPANY'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO CSXT (NOS. 1-11)**

CSX Transportation ("CSX"), pursuant to the Order Establishing Procedure issued in this docket on December 11, 2003, hereby respectfully submits its objections to Tampa Electric Company's ("TECO") First Request for Production of Documents to CSXT (Nos. 1-11) which was served on CSX on February 25, 2004.

GENERAL OBJECTIONS

CSX objects to TECO's First Request for Production of Documents on the grounds set forth in paragraphs A-B below. Each of CSX's responses will be subject to and qualified by these general objections.

A. CSX objects to any request that calls for documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made to these requests or is later determined to be applicable for any reason. CSX in no way intends to waive any such privilege or protection.

DOCUMENT NUMBER-DATE

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B. CSX objects to any request that calls for confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information.

SPECIFIC OBJECTIONS

CSX makes the following specific objections to TECO's First Request for Production of Documents. CSX's specific objections are numbered to correspond with the number of TECO's document production requests.

1. Provide all documents referring or relating to CSXT's review of the type of rail facilities at Tampa Electric's Big Bend and Polk Power Stations that would be necessary for CSXT to deliver coal by rail to Tampa Electric's Big Bend and Polk Power Stations, including but not limited to the engineering work and drawings supporting CSXT's review.

OBJECTION: CSX objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage. Accordingly, CSX will respond to this request only after TECO has entered into an appropriate non-disclosure agreement, similar to the non-disclosure agreement TECO required CSX to execute in this docket.

2. Provide all documents referring or relating to the capital investment required for Tampa Electric to receive coal by rail from CSXT at its Big Bend or Polk Power Stations, including but not limited to the engineering work and drawings supporting CSXT's assessment of the cost of building rail receiving facilities and conveyors at Big Bend Station and Polk Station to enable Tampa Electric to receive solid fuel using rail cars.

OBJECTION: CSX objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage. Accordingly, CSX will respond to this request only after TECO has entered into an appropriate non-disclosure agreement, similar to the non-disclosure agreement TECO required CSX to execute in this docket.

3. Provide all documents referring to the market for transportation of coal from the origination points in CSXT's bid to destinations in Florida.

OBJECTION: CSX objects to this production request on the grounds that it is overly broad, vague, ambiguous, and not reasonably calculated -- considered in terms of its literal scope -- to lead to the discovery of admissible evidence. TECO has not defined what "the market for transportation of coal" is, and

responsive documents could range from treatises on economic theory to daily coal pricing and shipping information. Additionally, the scope of the request goes far beyond the scope of issues in this docket, which pertain to TECO's coal transportation decisions and its associated coal procurement decisions, including TECO's requests for proposals for both coal purchases and coal transportation to TECO's Big Bend and Polk Stations.

CSX further objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage. Accordingly, CSX will respond to this request only after TECO has entered into an appropriate non-disclosure agreement, similar to the non-disclosure agreement TECO required CSX to execute in this docket.

Without waiving these objections, CSX will attempt to respond to this request to produce by producing documents, to the extent such documents exist and are in CSX's possession, custody, and control, concerning the shipping of, and the available alternatives for the shipping of, coal from the origination points identified in CSX's bids to destinations including and nearby to Tampa Electric's Big Bend and Polk Stations.

4. Provide all documents referring to the market for transportation of coal from the origination points in CSXT's

bid to Tampa, Florida.

OBJECTION: CSX objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage. Accordingly, CSX will respond to this request only after TECO has entered into an appropriate non-disclosure agreement, similar to the non-disclosure agreement TECO required CSX to execute in this docket. See also CSX's objection to No. 3 above.

5. Provide all documents referring or related to the Consumer Federation of the Southeast, including but not limited to all correspondence to or from CSXT or any of its affiliates or entities it controls and any individual associated with the Consumer Federation of the Southeast.

OBJECTION: CSX objects to this production request because it is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving this objection, CSX will attempt to respond to this request to produce by producing any responsive documents that exist and are in CSX's possession, custody, and control.

6. Provide all CSXT contracts for rail transportation of coal or synthetic fuels to destinations within Florida.

OBJECTION: CSX objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage. Accordingly, CSX will respond to this request only after TECO has entered into an appropriate non-disclosure agreement, similar to the non-disclosure agreement TECO required CSX to execute in this docket.

7. Provide all CSXT contracts for rail transportation of petroleum coke to destinations within Florida.

OBJECTION: CSX objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage. Accordingly, CSX will respond to this request only after TECO has entered into an appropriate non-disclosure agreement, similar to the non-disclosure agreement TECO required CSX to execute in this docket.

8. Provide all documents referring or related to CSXT's strategy to gain market share in Florida.

OBJECTION: CSX objects to this production request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of relevant, admissible

evidence. CSX's alleged "strategy to gain market share in Florida" is in no way relevant to any issue in this docket.

CSX also objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage.

CSX does not intend to produce any documents in response to this production request.

9. Provide all documents referring or relating to CSXT's attempts to obtain information in the proceeding useful in its participation in the bulk commodity transportation [sic].

OBJECTION: CSX objects to this production request because it is vague and argumentative. Additionally, CSX objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSX's competitive disadvantage.

Subject to these objections, CSX states that there are no documents responsive to this request because CSX is not seeking to use this docket to further its participation in bulk commodity transportation markets in Florida except as regards CSX's offers to provide cost-effective coal transportation service to TECO. Moreover, as TECO is aware, no CSX employee, and no one in a

position to influence CSX's decisions with regard to such matters, will be allowed to see any of TECO's confidential, proprietary business information produced in this docket.

10. Provide a copy of each and every current CSXT tariff provision that includes a component of the total charge that CSXT would impose for shipping coal from each of the following shipping points to (a) Tampa Electric Company's Big Bend Station, and (b) Tampa Electric Company's Polk Power Station:

Cook Coal Terminal

Shawneetown Dock

Empire Dock

Dekoven Dock

Power Dock

Each Dock on the Green River

Mt. Vernon Dock

Powhatan Dock

Evansville Dock

OBJECTION: CSX objects to this production request because it is overly broad and overly burdensome. Without waiving this objection, CSX states that the information requested is contained in CSX Tariff 8200 and related supplements, which are publicly available on CSX's website at www.csxt.com/index.cfm?fuseaction=coal.prices.

11. Provide a copy of each and every current CSXT tariff provision that includes a component of the total charge that CSXT would impose for hauling synfuel from each of the following shipping points to (a) Tampa Electric Company's Big Bend Station, and (b) Tampa Electric Company's Polk Power Station:

Cook Coal Terminal

Shawneetown Dock

Empire Dock

Dekoven Dock

Power Dock

Each Dock on the Green River

Mt. Vernon Dock

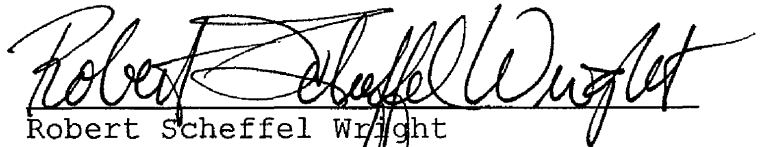
Powhatan Dock

Evansville Dock

OBJECTION: CSX objects to this production request because it is overly broad and overly burdensome. Without waiving this objection, CSX states that the information requested is contained in CSX Tariff 8200 and related supplements, which are publicly available on CSX's website at www.csxt.com/index.cfm?fuseaction=coal.prices.

Filed this 8th day of March, 2004.

LANDERS & PARSONS

A handwritten signature in black ink, appearing to read "Robert Scheffel Wright", written over a horizontal line.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing has been filed with the Clerk's Office, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399 and that a true and correct copy of the foregoing has been served by U.S. Mail or hand delivery (*) this 8th day of March, 2004, on the following:

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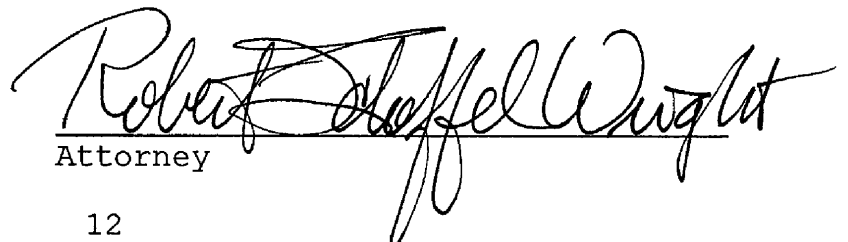
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