

RECEIVED-FPSC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

04 MAY 14 PM 4:33

In Re: Review of Tampa Electric)
 Company's 2004-2008 Waterborne) DOCKET NO. 031033-EI
 Transportation Contract with TECO) COMMISSION
 Transport and Associated Benchmark) FILED: May 14, 2004 CLERK
)

**CSX TRANSPORTATION'S OBJECTIONS TO
 STAFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO CSXT (NOS. 1-6)**

CSX Transportation ("CSXT"), pursuant to the Order Establishing Procedure issued in this docket on December 11, 2003, hereby respectfully submits its objections to the Staff of the Florida Public Service Commission's ("Staff") First Request for Production of Documents to CSXT (Nos. 1-6) which was served on CSXT on May 6, 2004.

GENERAL OBJECTIONS

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

A. CSXT objects to any request that calls for documents

CMP _____ protected by the attorney-client privilege, the work product
 COM _____ doctrine, the accountant-client privilege, the trade secret
 CTR _____
 ECR _____ privilege, or any other applicable privilege or protection afforded
 GCL _____ by law, whether such privilege or protection appears at the time
 OPC _____ response is first made to these requests or is later determined to
 MMS _____
 RCA _____ be applicable for any reason. CSXT in no way intends to waive any
 SCR _____ such privilege or protection.

SEC 1
 OTH _____

DOCUMENT NUMBER-DATE

05618 MAY 14 3

FPSC-COMMISSION CLERK

B. CSXT 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

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

1. Please refer to CSX's response to Tampa Electric's Interrogatory No. 19 to CSX. Please provide any documentation supporting CSX's assertion that CSX achieved lower prices for coal transportation than waterborne coal transportation for coal delivered to Gannon Station during the last 9 years of Gannon's operations.

OBJECTION: CSXT objects to this request to produce to the extent that it seeks documents containing confidential, proprietary business information. CSXT will file a request for confidential treatment with the Commission concerning any confidential information contained in documents produced in response to this request. In addition, CSXT will produce confidential documents to

other parties in this docket subject to an appropriate non-disclosure agreement.

2. Please provide all documentation, including studies, journal articles, trade publications, and the like, relied upon to support CSX's response to Tampa Electric's Interrogatory No. 16 to CSX regarding CSX's assessment of the dollar value regarding the difference in quality attributable to the use of rail transportation of coal rather than water transportation.

OBJECTION: CSXT objects to this request to produce to the extent that it seeks documents containing confidential, proprietary business information. CSXT will file a request for confidential treatment with the Commission concerning any confidential information contained in documents produced in response to this request. In addition, CSXT will produce confidential documents to other parties in this docket subject to an appropriate non-disclosure agreement.

3. Please provide all summary documentation, including spreadsheets, analyses, etc., that support the data provided in CSX's response to Tampa Electric's Interrogatory No. 38, including detail of origins, rates, tonnages (separately for

Big Bend and Polk), and surcharges (fuel and variable), by year.

OBJECTION: CSXT objects to this request to produce to the extent that it seeks documents containing confidential, proprietary business information. CSXT will file a request for confidential treatment with the Commission concerning any confidential information contained in documents produced in response to this request. In addition, CSXT will produce confidential documents to other parties in this docket subject to an appropriate non-disclosure agreement.

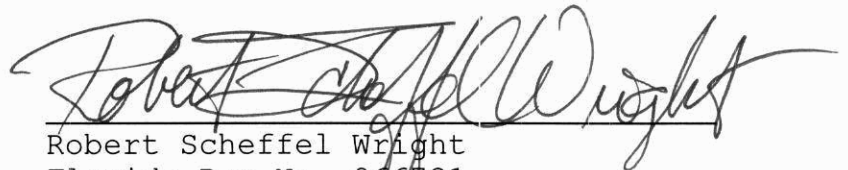
6. Please provide all documentation of the vendor information used to support the cost estimates John B. Stamberg obtained from Mr. Schumann as referenced on Page 12, Line 19, of Stamberg's direct testimony, including notations, letters, memoranda, written quotes, and other such materials.

OBJECTION: CSXT objects to this request to produce to the extent that it seeks documents containing confidential, proprietary business information. CSXT will file a request for confidential treatment with the Commission concerning any confidential information contained in documents produced in response to this request. In addition, CSXT will produce confidential documents to

other parties in this docket subject to an appropriate non-disclosure agreement.

Filed this 14th day of May, 2004.

LANDERS & PARSONS

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

Robert Scheffel Wright
Florida Bar No. 966721
John T. LaVia, III
Florida Bar No. 853666
310 West College Avenue (32301)
Post Office Box 271
Tallahassee, Florida 32302
Phone: 850/681-0311
FAX: 850/224-5595

Counsel for CSX Transportation

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that the original and seven copies 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 14th day of May, 2004, on the following:

Wm. Cochran Keating, Esq.*
Jennifer Rodan, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Robert Vandiver, Esq.
Associate Public Counsel
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Lee L. Willis, Esq.*
James D. Beasley, Esq.
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301

Vicki Gordon Kaufman, Esq.
Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin, Davidson
Decker, Kaufman, Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, FL 32301


Florida Industrial Power Users Group
c/o John W. McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Florida Retail Federation
John Rogers, Esq.
227 South Adams Street
Tallahassee, FL 32301

Ms. Angela Llewellyn
Regulatory Affairs
P.O. Box 111
Tampa, FL 33601-0111

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

TECO Transport Company
c/o Benjamin Hill III/Landis Curry III
Hill Ward Law Firm
P.O. Box 2231
Tampa, FL 33601-2231



Attorney