

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Tampa Electric)
Company's 2004-2008 Waterborne) DOCKET NO. 031033
Transportation Contract with TECO)
Transport and Associated Benchmark) FILED: May 19, 2008

COMMISSION
CLERK

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CSX TRANSPORTATION'S NOTICE OF INTENT TO SEEK CONFIDENTIAL CLASSIFICATION AND MOTION FOR TEMPORARY PROTECTIVE ORDER

CSX Transportation ("CSXT"), pursuant to Section 366.093, Florida Statutes¹ and Rule 25-22.006, Florida Administrative Code, hereby gives notice of its intent to seek confidential classification of portions of the revised prefiled testimony and exhibits thereto of Robert L. Sansom in this docket. As specific grounds for CSXT's notice of intent to seek confidential classification and its incorporated motion for temporary protective order, CSXT states as follows.

1. CSXT has on this date filed and served, in redacted format, the revised testimony and exhibits of Robert L. Sansom (the "Confidential Testimony and Exhibits"). Portions of the

Confidential Testimony and Exhibits comprise confidential, proprietary business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C.

2. Under cover of this notice and motion, CSXT is serving to the Commission Staff, through the Office of the Commission Clerk, a single copy of the unredacted Confidential Testimony and Exhibits. This copy is marked "CONFIDENTIAL" on the cover sheet as

CMP _____
COM _____
CTR _____
ECR 1
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1
OTH 1

This docketed notice of intent was filed with Confidential Document No. 05807-04. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

¹ All references herein to the Florida Statutes are to the 2003 edition thereof.

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well as "CONFIDENTIAL" on each sheet containing confidential, proprietary business information; pages that are completely confidential are also printed on yellow paper.

3. At this time, CSXT is serving the parties to this docket with a copy of the unredacted Confidential Testimony and Exhibits because said parties have executed appropriate non-disclosure agreements concerning the protection of CSXT's confidential information contained in the Confidential Testimony and Exhibits, or are authorized to receive the Confidential Testimony and Exhibits pursuant to applicable protective orders.

4. The Confidential Testimony and Exhibits is confidential information within the meaning of Section 366.093(3), Florida Statutes, in that it is information that CSXT or Tampa Electric Company ("TECO"), or both, treat as confidential and has not otherwise disclosed publicly, and in that disclosure of the confidential information to the public or to anyone in a position to use such information against CSXT's or TECO's respective competitive business interests would be severely detrimental to CSXT's or TECO's competitive, business and economic interests. Accordingly, CSXT and TECO are entitled to confidential protection of the subject information pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C.

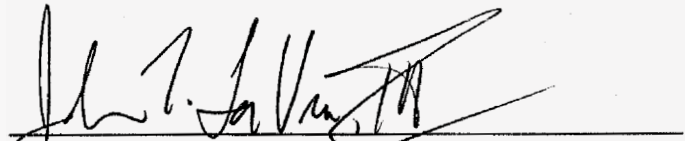
5. In accord with the provisions of this statute and rule, CSXT requests that the Commission issue a protective order

requiring that all persons coming into the possession of the Confidential Testimony and Exhibits treat the information as confidential and protect it from disclosure to anyone other than as permitted by the non-disclosure agreements and/or protective orders between CSXT and such parties. CSXT also requests that the Commission's protective order declare the Confidential Testimony and Exhibits exempt from the provisions of Chapter 119, Florida Statutes.

WHEREFORE, CSX Transportation respectfully gives its notice of intent to seek confidential classification for Robert L. Sansom's reviewed prefiled testimony and moves the Commission for a protective order as described above.

Respectfully submitted this 19th day of May, 2004.

LANDERS & PARSONS



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Counsel for CSX Transportation

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 OVERNIGHT COURIER SERVICE or hand delivery (*) this 19th day of May, 2004, on the following:

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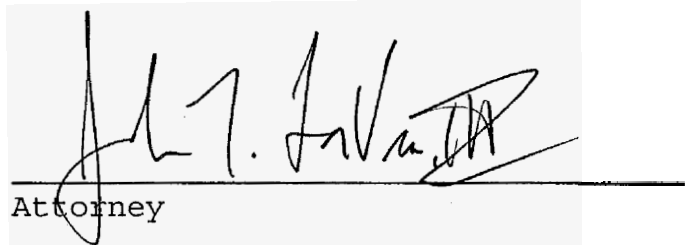
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