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031033-0100000

RECEIVED-FPSC

MEMORANDUM

04 MAY 20 PM 1:47

May 20, 2004

COMMISSION
CLERK

TO: ⁴ DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: COCHRAN KEATING, SENIOR ATTORNEY, OFFICE OF THE GENERAL COUNSEL *wck*

RE: DOCKET NO. 031033-EI - REVIEW OF TAMPA ELECTRIC COMPANY'S 2004-2008 WATERBORNE TRANSPORTATION CONTRACT WITH TECO TRANSPORT AND ASSOCIATED BENCHMARK.

The attached "CONFIDENTIAL" Direct Testimony and Exhibits of Robert L. Sansom on behalf of CSX Transportation was inadvertently delivered to the Office of the General Counsel. This should have come through the Division of the Commission Clerk and Administrative Services for proper filing and processing first.

WCK/dm

CMP _____ Attachment

COM _____

I:\031033\031033-memo-re-conf-test-exh-sansom.wck.doc

CTR _____

ECR 1 _____

GCL _____

OPC _____

MMS _____

RCA _____

SCR _____

SEC 1 _____

OTH 1 conf records

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED

MAY 19 2004

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

PUBLIC SERVICE COMMISSION
OFFICE OF THE GENERAL COUNSEL

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

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

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.

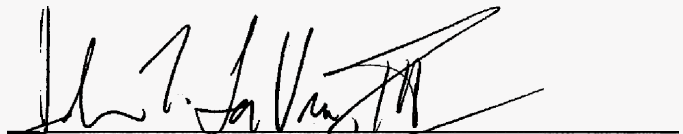
4. The Confidential Testimony and Exhibits is confidential information within the meaning of Section 366.093(3), Florida Statutes, in that it is information that CSXT or Tampa Electric Company ("TECO"), or both, treat as confidential and has not otherwise disclosed publicly, and in that disclosure of 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.



Rc
Fl

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:

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

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

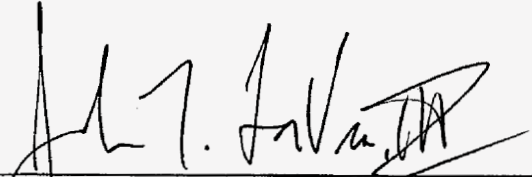
Robert Vandiver, Esq.*
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Florida Industrial Power Users Group
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400 North Tampa Street, Suite 2450
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Regulatory Affairs
P.O. Box 111
Tampa, FL 33601-0111



Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

MAY 19 2004

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

FLORIDA PUBLIC SERVICE COMMISSION
OFFICE OF THE GENERAL COUNSEL

**CSX TRANSPORTATION'S NOTICE OF FILING REVISED
TESTIMONY OF ROBERT L. SANSOM, Ph.D.**

CSX Transportation ("CSXT"), an intervenor party in the above-styled docket, hereby gives notice of filing the revised **CONFIDENTIAL** testimony and exhibits of Robert L. Sansom, Ph.D., one of its witnesses in this docket. The specific revisions reflect changes that Dr. Sansom identified at his deposition on April 21, 2004, are documented below, and are being made now by filing of a complete new testimony and exhibits for the convenience of the Commission, the Commission Staff, and the parties (so that they would not have to inter-paginate individual revised pages into their existing copies).

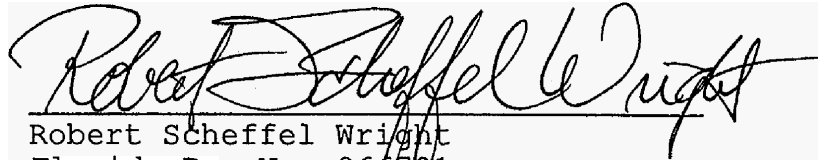
The specific revisions are as follows:

- Page 19: Changed numbers in lines 13, 14, and 16 to match numbers in exhibit;
- Page 21: Added "transportation for" in line 14;
- Page 23: Deleted sentence formerly on lines 16-19; deleted last three words on former line 23 (now line 20);
- Page 24: Deleted former lines 1 and 2;
- Page 27: Changed "in" to "via" in line 20; and
- Page 30: Added clarifying language and reference to Exhibit _____ (RLS-9a) at lines 1-3; corrected numerical value at line 2.

Copies of Dr. Sansom's redacted testimony and exhibits will be filed as soon as practicable.

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 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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