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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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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: November 8, 2004
) CLERK

CSX TRANSPORTATION'S RESPONSE TO TAMPA ELECTRIC COMPANY'S REQUEST FOR ORAL ARGUMENT

CSX Transportation ("CSXT") hereby responds to Tampa Electric Company's ("TECO") request for oral argument as follows.
 (Given that the request for oral argument is a request for

DMP _____ relief, which is by definition a motion, CSXT is responding to
 DOM 5 _____ the request as though it were a motion.)
 DTR _____
 ECR _____ TECO's request is facially deficient in that it does not
 BCL _____ explain to the Commission with particularity why oral argument
 DPC _____ would aid the Commission in comprehending and evaluating the
 WMS _____ issues before it. Rather, like TECO's Motion for Reconsideration
 RCA _____ And/Or Clarification, it appears to be an invitation to engage
 SCR _____ the Commission in rearguing and re-weighing factual matters.
 SEC 1 _____
 DTH _____ CSXT believes that oral argument is not necessary to address

TECO's Motion for Reconsideration And/Or Clarification. That Motion is, for the most part, an inappropriate attempt to get the Commission to re-weigh the evidence and fails to identify any fact or point of law that the Commission overlooked in its September 21 deliberations. The other point raised in TECO's Motion, its allegation that the Commission has somehow deprived TECO of due process by "relying on" a numerical value calculated

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from cost information of Progress Energy Florida, Inc., is misplaced because it is clear that the Commission did not use the subject numerical value in determining TECO's allowable costs for the purpose of setting TECO's fuel charges. (As pointed out in CSXT's response to TECO's Motion for Reconsideration, the Commission could, on its own motion, amend Order No. 04-0999 to delete references to Progress's costs without affecting the meaning or the reductions imposed by the Commission's Order.)

CSXT recognizes that it is within the Commission's discretion to grant oral argument. If the Commission does decide to do so, CSXT respectfully requests that it be granted equal time.

Respectfully submitted this 8th day of November, 2004.

LANDERS & PARSONS



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by U.S. Mail or hand delivery (*) this 8th day of November, 2004, on the following:

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