

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 12, 2004
_____)

**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 its answers to the First Set of Interrogatories propounded by Tampa Electric Company ("TECO") in this docket. Specifically, CSXT seeks protection of portions of its answers to TECO's Interrogatories Nos. 3, 6-9, 11, 18, 23, 29, 31, 34, 36-39, 41-43, 54, and 55. As specific grounds for CSXT's notice of intent to seek 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, its answers to TECO's First Set of Interrogatories (Nos. 1-65), portions of which contain confidential, proprietary business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C. CSXT believes that the nature of the information for which seeks protection is clear from the context of the interrogatories to which the information responds.

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

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FPSC-COMMISSION CLERK

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 answers to TECO's Interrogatories. This copy is marked "CONFIDENTIAL" on the cover sheet as well as "CONFIDENTIAL" on each sheet containing confidential, proprietary business information; the subject confidential information is indicated by shading.

3. At this time, CSXT is not serving TECO or any other party with an unredacted copy of its answers because CSXT and TECO have not yet executed a non-disclosure agreement concerning the protection of CSXT's confidential information contained in the unredacted answers. CSXT and TECO are working in good faith toward the execution of such an agreement, and CSXT will provide a copy of the unredacted answers to TECO as soon as such agreement is in place. CSXT will also furnish a copy of the unredacted answers to other parties in this docket subject to their execution of satisfactory non-disclosure agreements.

4. The subject information is confidential information within the meaning of Section 366.093(3), Florida Statutes, in that it is information that CSXT treats 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 competitive business interests would be severely detrimental to CSXT's competitive, business, and economic interests. Accordingly, CSXT is entitled to confidential protection of the subject information pursuant to

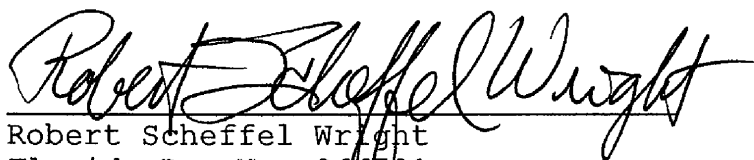
Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C.

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 possession of the confidential information treat the information as confidential and protect it from disclosure to anyone other than as permitted by the non-disclosure agreements between CSXT and such parties. CSXT also requests that the Commission's protective order declare the confidential information exempt from the provisions of Chapter 119, Florida Statutes.

WHEREFORE, CSX Transportation respectfully gives its notice of intent to seek confidential classification and moves the Commission for a protective order as described above.

Respectfully submitted this 12th day of March, 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 12th day of March, 2004, on the following:

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