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March 15, 2004

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Review of Tampa Electric Company's waterborne transportation contract with
TECO Transport and associated benchmark; FPSC Docket No. 031033-EI

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objections to CSX Transportation's Fourth Request for Production of Documents to Tampa Electric Company (Nos. 8-18).

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE

03482 MAR 15 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company's)
Waterborne transportation contract with) DOCKET NO. 031033-EI
TECO Transport and associated benchmark.) FILED: March 15, 2004
_____)

**TAMPA ELECTRIC COMPANY'S OBJECTIONS
TO CSX TRANSPORTATION'S FOURTH REQUEST FOR PRODUCTION
OF DOCUMENTS TO TAMPA ELECTRIC COMPANY (NOS. 8-18)**

Pursuant to Rule 1.351, Florida Rules of Civil Procedure and Rule 28-106.206, Florida Administrative Code, Tampa Electric Company ("Tampa Electric" or "the company"), by and through its undersigned counsel, hereby files its objections to the Fourth Request for Production of Documents (Nos. 8-18) served by CSX Transportation ("CSXT") on Tampa Electric, and says:

General Objections

1. Tampa Electric objects to each and every discovery request to the extent that it asks Tampa Electric to provide information that is not in the possession, custody or control of Tampa Electric.

2. Tampa Electric objects to each and every discovery request to the extent that such request calls for information that is exempt from discovery by virtue of the attorney/client privilege, work product privilege, or other applicable privilege or protection provided by law, whether such privilege or protection appears at the time response is first made to these discovery requests or is later determined to be applicable based on the discovery of documents, investigation, or analysis.

3. Tampa Electric objects to each and every discovery request insofar as the request is vague, ambiguous, overly broad, and imprecise or uses terms that are subject to multiple interpretations but are not properly defined or explained.

4. Tampa Electric objects to each and every discovery request to the extent that the information sought is already in the public record before this Commission or elsewhere, and is available to CSXT through normal procedures.

5. Absent an acceptable non-disclosure agreement or other acceptable means of protection against public disclosure, Tampa Electric objects to any discovery request that calls for confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information, including "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes.

6. Tampa Electric objects to any discovery request that calls for the creation of information as opposed to the reporting of presently existing information or that purport to expand Tampa Electric's obligations under the Florida Rules of Civil Procedure or Florida Law.

Motion for Protective Order

7. Tampa Electric's objections to CSXT's discovery requests are submitted pursuant to the authority contained in Slatnick v. Leadership Housing Systems of Florida, Inc., 368 So.2d 79 (Fla. 3rd DCA 1979). To the extent that a Motion for Protective Order is required, Tampa Electric's objections are to be construed as a request for a Protective Order.

Specific Objections

8. Tampa Electric objects to CSXT's Document Request No. 14, which reads as follows:

14. Any and all documents relating to the costs to transport coal, including any coal that could be burned by TECO at

either the Big Bend generating station or the Polk generating station, from coal mines or coal preparation plants to barge delivery points and to rail delivery points.

Tampa Electric objects to Request No. 14 in that the request is overly broad and attempting to answer the request would be unduly burdensome. In addition, Tampa Electric has already provided a large number of pages of documents that relate to the issue of Tampa Electric's costs for waterborne transportation services with respect to its current and previous waterborne transportation contracts to CSXT in response to either its own discovery requests or in the course of providing copies of Tampa Electric's responses to the document requests and interrogatories of the other parties in this docket. Tampa Electric is not aware of what other documents that are relevant to the issues in this proceeding could possibly be required by CSXT. Finally, this request should specify some reasonable time frame along with a more detailed description of what CSXT is requesting in order for Tampa Electric to attempt to respond.

9. Tampa Electric objects to CSXT's Document Request No. 15, which reads as follows:

15. Any and all documents relating to any bids, proposals, or the like, whether solicited or unsolicited, that offered to provide coal to TECO on a FOB mine or FOB rail basis.

Tampa Electric objects to Request No. 15 on the same grounds as stated above with respect to Request No. 14. In addition, the requested documents do not appear to be relevant to the issues to be resolved in this proceeding. Tampa Electric also objects to this Document Request on the ground that the information in question is irrelevant and is not likely to lead to the discovery of admissible evidence concerning prices paid by Tampa Electric for waterborne coal transportation, which is the subject of this proceeding. The information CSXT seeks relates to the provision of the commodity, coal, rather than coal transportation. Tampa Electric believes

that CSXT, a competitor in the provision of the commodity, coal, and coal transportation, could only use this information to secure a competitive advantage rather than advancing its rights as a Tampa Electric customer.

10. Tampa Electric objects to CSXT's Document Request No. 18, which reads as follows:

18. Any and all documents relating to the proposed, planned, or potential construction of coal receipt and blending facilities for any power plant.

Tampa Electric objects to Request No. 18 on the same grounds as stated above with respect to Request No. 14. A response covering the most recent three years would likely provide CSXT the information it needs and at the same time make responding to the request more reasonable and less burdensome on Tampa Electric.

DATED this 15th day of March 2004.

Respectfully submitted,



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(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Objections to CSXT's Fourth Request for Production of Documents, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (*) on this 15th day of March 2004 to the following:

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