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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

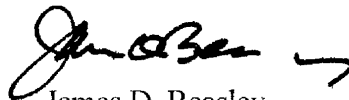
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Objections to CSX Transportation's Fifth 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

03485 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 FIFTH 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. 19, which reads as follows:

19. Provide any and all schematic diagrams, plot plans, or similar diagrams or documents, showing the Big Bend coal yard

layout, conveyor capacities, transfer points, silo capacities, and coal pile storage capacities. The purpose of this request is to obtain documents that allow an engineer to calculate and verify the capabilities of Big Bend coal yard, coal handling, coal storage, coal blending, and coal unloading systems. The response should include information on belt capacities, stacker-reclaimer and underground hopper capacities, coal pile capacities, coal silo capacities, loading capacities, and transfer hopper capacities. To the maximum extent possible, the documents should identify conveyor tons per hour capacities, blend points, blend rates, and belt sizes, and identify belts with variable speed drives.

Tampa Electric objects to Request No. 19 in that the request is overly broad and attempting to answer the request would be unduly burdensome. The request should specify a reasonable time frame along with a more detailed description of what CSXT is requesting in order for Tampa Electric to attempt to respond. Tampa Electric can and will provide a complete response that addresses the purpose in the second and third sentences of the request. However, the request for “all schematic diagrams, plot plans, or similar diagrams or documents” is so vague, broad and burdensome as to render the request harassing. It would require Tampa Electric to accumulate and submit a mass of unnecessary paperwork and entail a serious amount of duplication.


9. Tampa Electric objects to CSXT’s Document Request No. 22, which reads as follows:

22. Provide all correspondence between Sargent & Lundy and TECO between January 1, 2003 and the present, including, but not limited to, e-mails and telephone notes by TECO personnel.

Tampa Electric objects to Request No. 22 in that it is overly broad and unduly burdensome and harassing. Tampa Electric has already filed all documents relating to the Sargent & Lundy analysis and report that analyzed the rail bidder’s proposal in response to the parties’ requests for production of documents, and CSXT has been provided copies. Any documents that relate to other projects are irrelevant to the issues in this docket.

DATED this 15th day of March 2004.

Respectfully submitted,



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ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Objections to CSXT's FIFTH 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:

Mr. Wm. Cochran Keating, IV*
Senior Attorney
Division of Legal Services
Florida Public Service Commission
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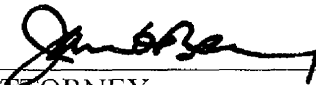
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