

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Review of Tampa Electric Company's 2004-2008 Waterborne Transportation Contract with TECO Transport and Associated Benchmark) DOCKET NO. 031033-EI) FILED: March 29, 2004)

COMMISSION CLERK

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 prefiled testimony and exhibits thereto of Robert F. White, Robert L. Sansom and John B. Stamberg 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 testimony and exhibits of Robert F. White; pursuant to agreement of the parties, CSXT will file the testimony and exhibits of Robert L. Sansom and John B. Stamberg on March 30, 2004. Collectively, these documents are referred to herein as the "Confidential Testimony and Exhibits," portions of which comprise confidential, proprietary business information entitled to protection under Section 366.093, Florida Statutes, and Rule

25-22.006, F.A.C.

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

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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 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 TECO a copy of the unredacted Confidential Testimony and Exhibits because CSXT and TECO have executed a non-disclosure agreement concerning the protection of CSXT's confidential information contained in the Confidential Testimony and Exhibits.

4. At this time, CSXT is not serving the other parties to the docket an unredacted copy of the Confidential Testimony and Exhibits because CSXT and the other parties have not executed appropriate non-disclosure agreements concerning the protection of CSXT's confidential information. CSXT will also furnish a copy of the attachment to the other parties in this docket subject to their execution of satisfactory non-disclosure agreements.

5. The subject information is confidential information within the meaning of Section 366.093(3), Florida Statutes, in that it is information that CSXT or 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.

6. 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 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 29th day of March, 2004.

LANDERS & PARSONS

A handwritten signature in cursive script, reading "Robert Scheffel Wright". The signature is written in black ink and is positioned above a horizontal line.

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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 U.S. Mail or hand delivery (*) this 29th day of March, 2004, on the following:

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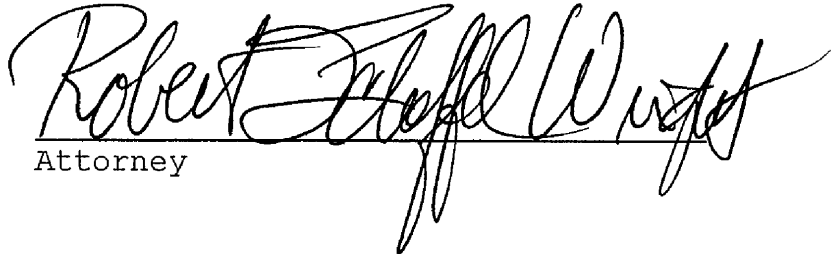
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