

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Tampa Electric Company's 2004-2008 Waterborne Transportation Contract with TECO Transport and Associated Benchmark) DOCKET NO. 031033-EI) FILED: April 30, 2004

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CSX TRANSPORTATION'S OBJECTIONS TO TAMPA ELECTRIC COMPANY'S SECOND REQUEST FOR PRODUCTION OF DUCMENTS TO CSXT (NOS. 12-13)

CSX Transportation ("CSXT"), pursuant to the Order Establishing Procedure issued in this docket on December 11, 2003, hereby respectfully submits its objections to Tampa Electric Company's ("TECO") Second Request for Production of Documents to CSXT (Nos. 12-13) which was served on CSXT on April 22, 2004.

GENERAL OBJECTIONS

CSXT objects to TECO's First Request for Production of Documents on the grounds set forth in paragraphs A-B below. Each of CSXT's responses will be subject to and qualified by these general objections.

A. CSXT objects to any request that calls for documents protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret

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B. CSXT objects to any request that calls for confidential proprietary business information and/or the compilation of information that is considered confidential proprietary business information.

SPECIFIC OBJECTIONS

CSXT makes the following specific objections to TECO's Second Request for Production of Documents. CSXT's specific objections are numbered to correspond with the number of TECO's document production requests.

12. Copies of all correspondence, internal CSXT memoranda, telephone memos or other documentation regarding complaints about CSXT provided coal transportation rail service at any time during the past three years. Your response should include, but not be limited to, all correspondence and other documentation relating to complaints by Progress Fuels and Mr. Al Pitcher on behalf of Progress Fuels regarding the transportation of coals by CSXT.

OBJECTION: CSXT objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSXT's competitive disadvantage. Moreover, many if not all of such documents, to the extent that they exist, relate directly to CSXT's specific contracts with its customers, which are confidential both as to

CSXT and as to each respective customer.

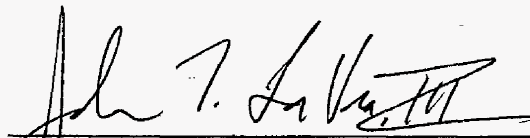
13. Copies of all correspondence, internal CSXT memoranda, telephone memos or other documentation regarding customer complaints about rates charged by CSXT for coal transportation rail service at any time over the last three years.

OBJECTION: CSXT objects to this production request on the grounds that it seeks information that is not reasonably calculated to lead to the discovery of relevant, admissible evidence.

CSXT also objects to this production request to the extent that it calls for confidential, proprietary business information. Such information could be used by TECO or TECO's affiliates, or other entities, to CSXT's competitive disadvantage. Moreover, many if not all of such documents, to the extent that they exist, relate directly to CSXT's specific contracts with its customers, which are confidential both as to CSXT and as to each respective customer.

Filed this 30th day of April, 2004.

LANDERS & PARSONS



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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 30th day of April, 2004, on the following:

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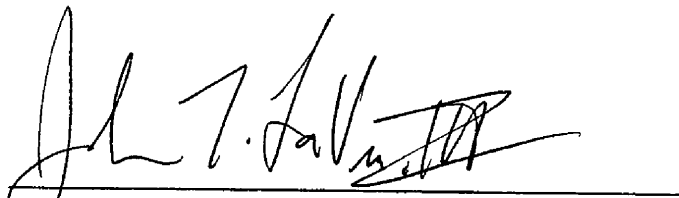
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