

STATE OF FLORIDA

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Public Service Commission

May 4, 2004

James Beasley, Esquire
Ausley & McMullen
P.O. Box 391
Tallahassee, Florida 32302

Re: Docket No. 031033-EI - Review of Tampa Electric Company's 2004-2008 waterborne transportation contract with TECO Transport and associated benchmark.

Dear Mr. Beasley:

Please find enclosed an original signed errata sheet and supplement to Late-filed Exhibit No. 11 to the deposition of William B. McNulty, taken April 2 and 5, 2004, in the above-referenced docket.

Sincerely,

Wm. Cochran Keating, IV
Senior Attorney

WCK/dm

Enclosure

cc: All parties of record (with enclosures)

DOCUMENT NUMBER DATE
05161 MAY -4 2
FPSC-COMMISSION CLERK

ERRATA SHEET

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE

IN RE: DOCKET NO. 031033-EI

NAME: WILLIAM B. McNulty

DATE: APRIL 2 AND 5, 2004

[PAGE|LINE|CHANGE|

43 25 Add "in my testimony" after "what ended up"

48 13 Replace "question" with "consider"

48 15-17 Replace "rate to be charged in this proceeding as a possible way of proceeding in this proceeding" with "recoverable rate for TECO's waterborne coal transportation service in this proceeding."

48 22 Replace "in the contract" with "referenced in the RFP"

49 3 Replace "contracts that were" with "contract that was"

69 4 Replace "truly competitive figures" with " a truly competitive price"

80 5,6 Place quotations around "1997 RFP" and "Integrated Proposal Requirement"

101 17 Replace "were" with "was"

103 11 Replace "following" with "beginning with"

106 4 Replace "face" with "page"

116 15 Replace "That's correct." with "Yes, I am talking about the Big Bend Power Plant."

116 19 Replace sentence with "The demurrage provisions of Tariff CSXT 8200, as referenced in CSXT's Bid A, would apply to all tonnage received at Big Bend Power Station, regardless of where the coal originates or the identity of railroads involved, assuming CSXT ultimately delivers the coal to the plant."

- 1 | 147 | 25 | Replace “things I don’t agree with” with “aspects of your statement”
- 2 | 148 | 1 | Replace “your statement on” with “that I believe are incorrect”
- 3 | 149 | 1 | Replace “am still not with” with “have not formed”
- 4 | 150 | 8 | Replace “determinant” with “judge”
- 5 | 155 | 21 | Replace “further” with “, for their”
- 6 | 155 | 24 | Replace sentence with “I believe the order may be broadly interpreted to apply
- 7 | | | to not only commodity but also transportation of that commodity.”
- 8 | 156 | 6,7 | Replace “said at that time” with “says”
- 9 | 160 | 17 | Insert “compared” after “CSX,”
- 10 | 161 | 23 | Replace “prices” with “costs”*
- 11 | 161 | 24 | Replace “is charging” with “incurs”*

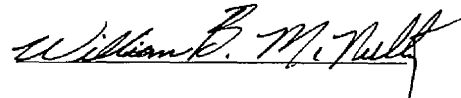
12 | | | *I understood the question to ask about costs rather than price, and answered in

13 | | | that context.

14 | Under penalties of perjury, I declare that I have read my deposition and that it is true and

15 | correct subject to any changes in form or substance entered here.

16 | 5/3/04



17 | DATE

WILLIAM B. McNULTY

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Late Filed Exhibit No. 11 Supplement
Docket No. 031033-EI
Deposition of William B. McNulty, April 2 and 5, 2004

Upon review of the deposition transcript, it became clear that the original response to the requested exhibit may be considered to be incomplete in that the response does not affirmatively identify the rates in the tariff, but rather provides the tariff pages which contains the rates. Thus, the following statements identifies the applicable rates.

The rate for the 2.0 to 5.5 MM tons bid is the four-hour free time demurrage rate, which is \$300 for each chargeable hour, or fraction thereof, in excess of four hours free time, per trainload/unit train until all cars in the train consignment are released. However, see the terms and conditions included in Pages 9 and 10 of the tariff for possible impacts to this price.

The rate for the 1.0 to 2.0 MM tons bid is the twenty-four hour free time demurrage rate, which is \$20 per car per day, or fraction thereof, until empty cars are released to the carrier. However, see the terms and conditions included in Page 10 and 11 of the tariff for possible impacts to this price.

Page 11 of the CSXT Transportation Tariff 8200-G (Supplement 6) was also omitted from the original response and is thus attached to this supplemental response. While it does not identify the specific rates requested in the deposition, it does contain some of the terms and conditions which can impact the ultimate rate paid for demurrage for the 1.0 to 2.0 MM tons bid.

SECTION 5 -- TRAINLOAD/UNIT TRAIN SERVICE

[2] (ITEM 5190A) – TRAINLOAD/UNIT TRAIN DETENTION AT DESTINATION (Concluded)

Note 5 – The consignee must certify in writing, within a period of five (5) days from date of disability, to the destination carrier, when he is unable to unload and release cars of a consignment due to any disability listed in Note 1, including the nature of the disability and the actual time said disability commenced and terminated.

Note 6 – When at the time of actual or constructive placement lading is frozen so as to require heating, thawing or loosening to unload, and a freeze conditioning agent has been properly applied, the twenty-four (24) hours free time for unloading will be extended an additional twenty-four (24) hours, provided the consignee shall, prior to the expiration of five (5) days after the date on which car or cars were released, send or give the railroad's agent a written statement certifying by car initial and number, the day or days during which any time was expended in heating, thawing or loosening the lading to unload the car, or cars.

Note 7 – Four (4) hour unloading facilities follow:

Gaston, AL (Gaston Plant)	Abee, IN (Brown Plant)
West Jefferson, AL (Miller Plant)	Merom, IN (Merom Plant)
Bostwick, FL (Palatka Plant)	Wilson Station, KY (D. B. Wilson Plant)
Gay, FL (FL Crushed Stone Facility)	Terrell, NC (Marshall Plant)
Hague, FL (Deerhaven Plant)	(AA) Shippingport, PA (Mansfield Plant)
Indiantown, FL (U. S. Generating Plant)	Cross, SC (Cross Plant)
Park, FL (McIntosh Plant)	Middleton, SC (Williams Plant)
Power Park, FL (St. Johns River Power Plant)	North Wateree, SC (Wateree Plant)
Red Level Junction, FL (Crystal River Plant)	Pennyroyal, SC (Winyah Plant)
Harlee, GA (Harlee Branch Plant)	Pinopolis Junction, SC (Jefferies Plant)
Jacmac, GA (McDonough Plant)	Edgemoor, TN (Bullrun Plant)
Rincon, GA (McIntosh Plant)	Harriman, TN (Kingston Steam Plant)
Stilesboro, GA (Bowen Plant)	