

ORIGINAL

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) FILED: May 21, 2004)

COMMISSION CLERK

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CSX TRANSPORTATION'S OBJECTIONS TO TAMPA ELECTRIC COMPANY'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO CSXT (NO. 14)

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") Third Request for Production of Documents to CSXT (No. 14) which was served on CSXT on May 11, 2004.

GENERAL OBJECTIONS

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

A. As a preliminary matter, CSXT notes that its response

CMP ___ to TECO's Third Reqeust for Production of Documents is due on May COM ___ 26, 2004. The hearing in this case is scheduled to begin on May CTR ___ 27, 2004, and it is unreasonable to require CSXT to respond to a ECR ___ discovery request the day before the start of the hearing. GCL ___ Moreover, the Order Establishing Procedure provides for a OPC ___ deadline of April 6, 2004, to complete discovery. While CSXT has MMS ___ not heretofore raised a timeliness objection to other discovery RCA ___ SCR ___ SEC / OTH ___

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requests propounded by TECO and other parties to this docket out of time, in this instance, the proximity of the hearing to the discovery due date is so close that CSXT feels compelled to object.

B. 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 privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made to these requests or is later determined to be applicable for any reason. CSXT in no way intends to waive any such privilege or protection.

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

14. Provide a copy of the presentation given by Mike Sullivan of CSXT at the Eastern Fuel Buyers Conference held in Orlando,

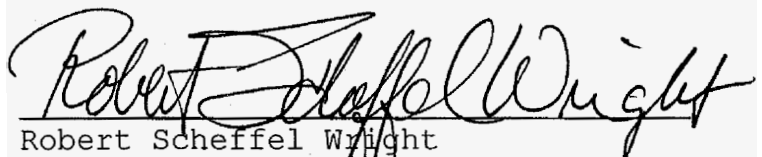
Florida, May 5-7, 2004, including all Power Point slides, overlays or other media used in making the presentation and any and all backup notes, bullet points or other written materials relied upon by Mr. Sullivan during his presentation. If Mr. Sullivan's presentation was audio or video recorded, please include a copy of any such recording.

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.

Additionally, CSXT objects to this discovery request because it is not timely. Accordingly, for the above-stated reasons, CSXT does not intend to respond to this request.

Filed this 21st day of May, 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 21st day of May, 2004, on the following:

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