

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FPSC

In Re: Review of Tampa Electric)
Company's 2004-2008 Waterborne)
Transportation Contract with TECO)
Transport and Associated Benchmark)

MAY 27 AM 9:53
DOCKET NO. 031033-EI
FILED: May 27, 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 its responses to Commission Staff's First Set of Interrogatories 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 its Responses to Commission Staff's First Set of Interrogatories (Nos. 1-14). One page of CSXT's response to Interrogatory No. 5 constitutes confidential, proprietary business information entitled to

protection under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C. (the "Confidential Response").

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 its unredacted Responses to Commission's Staff First Set of Interrogatories. The one page of confidential

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

CMP _____
COM _____
CTR _____
ECR 1
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1
OTH leaf records

This docketed notice of intent was filed with Confidential Document No. 06052-04. The document has been placed in confidential storage pending timely receipt of a request for confidentiality.

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06052 MAY 27 04

FPSC-COMMISSION CLERK

information is printed on yellow paper.

3. At this time, CSXT is serving the parties to this docket with a copy of the unredacted Confidential Response because said parties have executed appropriate non-disclosure agreements concerning the protection of CSXT's confidential information contained in the Confidential Response, **or are** authorized to receive the Confidential Response pursuant to applicable protective orders.

4. The Confidential Response is confidential information within the meaning of Section 366.093(3), Florida Statutes, in that it is information that CSXT or Tampa Electric Company ("TECO"), or both, treat as confidential and have 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.

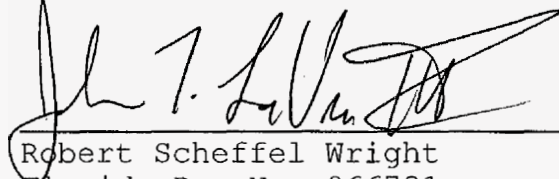
5. In accord with the provisions of this statute and rule, CSXT requests that the Commission issue a protective order requiring that all persons coming into the possession of the Confidential Response treat the information as confidential and

protect it from disclosure to anyone other than as permitted by the non-disclosure agreements and/or protective orders between CSXT and such parties. CSXT also requests that the Commission's protective order declare the Confidential Response exempt from the provisions of Chapter 119, Florida Statutes.

WHEREFORE, CSX Transportation respectfully gives its notice of intent to seek confidential classification for one page of its response to Commission Staff's Interrogatory No. 5.

Respectfully submitted this 27th 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 27th day of May, 2004, on the following:

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