

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-EI
)
) FILED: March 15, 2004

RECEIVED-FPS
MAR 15 PM 4:2
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 answers to the First Set of Interrogatories propounded by Tampa Electric Company ("TECO") in this docket. Specifically, CSXT seeks protection of Attachment A to CSXT's answer to TECO's Interrogatory No. 47. As specific grounds for CSXT's notice of intent to seek 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, its supplemental answer to TECO's Interrogatory No. 47, which comprises confidential, proprietary business information entitled to protection under Section 366.093, Florida Statutes, and Rule 25-22.006, F.A.C. The answer to TECO's Interrogatory No. 47 is CSXT's confidential, internal organization chart.

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 answer to Interrogatory

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

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

03495 MAR 15 2004

FPSC-COMMISSION CLERK

US
AF
MP
OM
TA
CR
CL
PC
MS
EC
TH

records

No. 47. This copy is marked "CONFIDENTIAL" on the cover sheet as well as "CONFIDENTIAL" on each sheet containing confidential, proprietary business information; the Attachment is also printed on blue paper.

3. At this time, CSXT is not serving TECO or any other party with an unredacted copy of its answer to Interrogatory No. 47 because CSXT and TECO have not yet executed a non-disclosure agreement concerning the protection of CSXT's confidential information contained in the unredacted answers. CSXT and TECO are working in good faith toward the execution of such an agreement, and CSXT will provide a copy of the attachment to TECO as soon as such agreement is in place. CSXT will also furnish a copy of the attachment to other parties in this docket subject to their execution of satisfactory non-disclosure agreements.

4. The subject information is confidential information within the meaning of Section 366.093(3), Florida Statutes, in that it is information that CSXT treats 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 competitive business interests would be severely detrimental to CSXT's competitive, business, and economic interests. Accordingly, CSXT is 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 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 15th day of March, 2004.

LANDERS & PARSONS

A handwritten signature in black ink, reading "Robert Scheffel Wright", written over a horizontal line.

Robert Scheffel Wright
Florida Bar No. 966721
John T. LaVia, III
Florida Bar No. 853666
310 West College Avenue (32301)
Post Office Box 271
Tallahassee, Florida 32302
Phone: 850/681-0311
FAX: 850/224-5595

Counsel for CSX Transportation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by U.S. Mail or hand delivery (*) this 15th day of March, 2004, on the following:

Wm. Cochran Keating, Esq.*
Jennifer Rodan, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Robert Vandiver, Esq.
Associate Public Counsel
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Lee L. Willis, Esq.*
James D. Beasley, Esq.
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301

Vicki Gordon Kaufman, Esq.
Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin, Davidson
Decker, Kaufman, Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, FL 32301

Carlos Lissabet
2802 W. Kirby Street
Tampa, FL 33614

Catherine L. Claypool/Betty J. Wise
3002 W. Kirby Street
Tampa, FL 33614

Edward A. Wilson
3003 W. Sitka Street
Tampa, FL 33614

Florida Industrial Power Users Group
c/o John W. McWhirter, Jr., Esq.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Florida Retail Federation
John Rogers, Esq.
227 South Adams Street
Tallahassee, FL 32301

Helen Fisher
3004 W. Kirby Street
Tampa, FL 33614

Lesly A. Diaz
2806 W. Kirby Street
Tampa, FL 33614

Mary Jane Williamson
7712 North Orleans Avenue
Tampa, FL 33604


Sue E. Strohm
2811 W. Sitka Street
Tampa, FL 33614

Ms. Angela Llewellyn
Regulatory Affairs
P.O. Box 111
Tampa, FL 33601-0111

William H. Page
3006 W. Kirby Street
Tampa, FL 33614

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256

TECO Transport Company
c/o Benjamin Hill III/Landis Curry III
Hill Ward Law Firm
P.O. Box 2231
Tampa, FL 33601-2231


Attorney