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Office of the Secretary

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March 12, 2002

VIA FEDERAL EXPRESS

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

204959



Re: Docket No. 42070, Duke Energy Corporation
v. CSX Transportation, Inc.

Dear Secretary Williams:

On February 28, 2002, CSX's counsel notified our client, Southern Company Services, Inc., agent for Georgia Power Company (collectively, "Southern"), of the request of Duke Energy Corporation ("Duke") for the production of transportation contracts between CSX Transportation, Inc. (the "CSX Contracts") and Norfolk Southern is intent to disclose the contracts if Duke's request is granted.

Southern strongly objects to the disclosure of its transportation contracts to Duke. These contracts contain extraordinarily sensitive information and Duke is a direct competitor of Southern. Unauthorized disclosure or use of this information would be extremely damaging to Southern's competitive position in the electric wholesale market. Even if a Protective Order is issued that designates the information as Highly Confidential, Southern is not assured that the information contained in its CSX Contracts will not be used for competitive gain by Duke or other competitors of Southern who are represented by Duke's outside counsel.

Southern respectfully requests that the Board deny Duke's request for production of Southern's CSX Contracts unless Duke can show that the relevant information contained in the CSX Contracts cannot be obtained by means other than the disclosure of these contracts.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan Livingston".

Susan B. Livingston,
Attorney for Southern Company Services, Inc.

SBL/jfb

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