

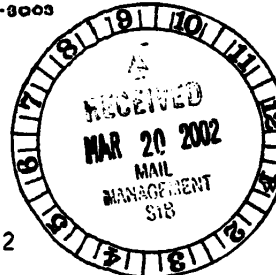
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March 19, 2002

VIA TELECOPIER

Susan B. Livingston, Esq.
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P.O. Box 306
Birmingham, AL 35210-0306

ENTERED
Office of the Secretary

APR 08 2002

Part of
Public Record

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

Dear Ms. Livingston:

We are in receipt of a copy of your March 12, 2002 letter to the Surface Transportation Board on behalf of Southern Company Services, agent for Georgia Power Company ("Southern"). In your letter, you object to the production of Southern's rail transportation contracts, even if subject to a "highly confidential" designation. (For your information, the production to which you objected had been ordered by the STB on March 4, 2002, some eight days prior to the date of your letter.) We must take strong exception to your statement that "[e]ven 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."

Your statement implies that Slover & Loftus may not honor its obligations under the governing protective order. There is absolutely no basis for any such implication. Slover & Loftus takes its commitments under such protective orders, as well as its ethical obligations generally, very seriously. Our firm has an unblemished record over the past three decades before the STB, the ICC before it, and the several courts in which the firm has appeared.

We do not question the sincerity of your client's desire to preserve the confidentiality of the commercially sensitive information in its rail contracts, but your letter goes

Susan B. Livingston, Esq.
March 19, 2002
Page 2

beyond responsible representation of that interest in questioning
the efficacy of the STB's protective order.

Sincerely,



William L. Slover

cc: The Hon. Vernon A. Williams
Gilbert L. Feltel, Jr., Esq.
G. Paul Moates, Esq.
Vincent F. Prada, Esq.
Paul A. Hemmersbaugh, Esq.
Paul R. Kinney, Esq.

Mar-18-02 05:12pm From-SLOVER LOFTUS

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TELECOPIER COVER SHEET



DATE: March 19, 2002

TO: The Hon. Vernon A. Williams

FROM: William L. Slover

COMMENTS: _____

NUMBER OF PAGES (including cover sheet): 3

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American Electric Power
1 Riverside Plaza
Columbus, OH 43215 2373
614 223 1000

March 7, 2002

205142



Surface Transportation Board
1925 K Street, NW
Washington, DC 20423



Re: STB Docket No. 42070

Dear Sir or Madam:

We have been informed that the CSX Transportation, Inc. ("CSXT") may be required to produce a copy of Contract CSXT68456 (the "Contract") between CSXT and Quaker Coal Sales Company ("Quaker") in the above referenced proceeding. AEP Kentucky Coal, L.L.C. ("AEP") has succeeded to the rights of Quaker pursuant to the Contract. We further understand that the Contract would be designated "Highly Confidential".

Nonetheless, we are hereby requesting that the STB deny Duke Energy Corporation's motion to compel the production of the Contract. We do not believe that it is appropriate that AEP's competitors can acquire information setting forth AEP's operating costs by filing an action with the STB. Those companies could then use such information to AEP's detriment. Alternatively, we propose that the Contract be redacted to delete financially sensitive material prior to its being produced.

Very truly yours,

Tim Stanley

Tim Stanley
Manager, Transportation & Marketing
on behalf of AEP Kentucky Coal, L.L.C.

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American Electric Power
1 Riverside Plaza
Columbus, OH 43215 2373
614 223 1000

March 7, 2002

Surface Transportation Board
1925 K Street, NW
Washington, DC 20423



205143

Re: STB Docket No. 42070

Dear Sir or Madam:

We have been informed that the CSX Transportation, Inc. ("CSXT") may be required to produce a copy of contracts CSXT62373 and CSXT81006 (the "Contracts") between CSXT and Cardinal Operating Company ("Cardinal") in the above referenced proceeding. We further understand that the Contracts would be designated "Highly Confidential".

Nonetheless, we are hereby requesting that the STB deny Duke Energy Corporation's motion to compel the production of the Contracts. We do not believe that it is appropriate that Cardinal's competitors can acquire information setting forth Cardinal's operating costs by filing an action with the STB. Those companies could then use such information to Cardinal's detriment. Alternatively, we propose that the Contracts be redacted to delete financially sensitive material prior to their being produced.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tim Stanley".

Tim Stanley
Manager, Transportation & Marketing
on behalf of Cardinal Operating Company

cc: Debra Pickering, Senior Contract Analyst

ENTERED
Office of the Secretary

APR 08 2002

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