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November 18, 2008

BY E-FILING

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D C 20423-0001

Re: Docket No. 42110, Seminole Electric
Cooperative, Inc. v CSX Transportation, Inc.

Dear Secretary Quinlan.

By Complaint filed and served on October 3, 2008 in the referenced docket, Seminole Electric Cooperative, Inc. ("SECI") instituted a challenge to the reasonableness of common carrier rates on coal established by Defendant CSX Transportation, Inc. ("CSXT") under 49 U.S.C. §§ 11701 and 11704. The challenged rates were mileage scale rates published in Section 9 of Supplement 2 to Tariff CSXT-8200, as well as the related fuel surcharge published in CSXT Publication 8861-B.

On or about November 14, 2008, CSXT published Tariff CSXT-32531 which established new common carrier rates for SECI's coal movements for application effective January 1, 2009. In this new publication, a copy of which is appended to this letter as Attachment A, CSXT has established specific rates applicable from each of the eight origins described in paragraph 10 of the Complaint to SECI's Seminole Generating Station ("SGS") near Bostwick, FL. The new coal rates apply in railcars provided by CSXT, with a per-car mileage allowance for movements in private railcars provided by SECI.

Paragraph 19 of SECI's Complaint in this proceeding provides as follows.

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“This Complaint shall be deemed to apply to and likewise challenge any changes to the provisions of Tariff CSXT-8200 or Publication 8661-B, or any tariffs, circulars or publications referenced therein, as well as to any new tariffs, circulars, rates or charges that might be established by CSXT and applied to coal transportation service to SGS ”

The purpose of this letter is to confirm that the rates and terms of Tariff CSXT-32531 (including those applicable to movements in both CSXT-provided railcars and in SECI-provided railcars) should be deemed subject to SECI's Complaint, and that evidence demonstrating that such rates and terms are unreasonable and unlawful under the governing statutes likewise will be submitted by SECI in this proceeding.

Given the substantially higher level of the rates contained in Tariff CSXT-32531 compared with the current rates in the parties' rail transportation contract, which is scheduled to expire on December 31, 2008, this letter also confirms SECI's continuing request for the relief sought in its pending Petition for Injunctive Relief, which was filed concurrently with the Complaint in this proceeding.

SECI requests that this letter and Attachment A be accepted for inclusion in the record of this proceeding.

Respectfully submitted,



Kelvin J Dowd
An Attorney for Seminole Electric
Cooperative, Inc

KJD:lad
Enclosure

cc (w/enclosure): G Paul Moates, Esq
Paul A. Hemmersbaugh, Esq.
Matthew J Warren, Esq



M. C. Bullock
Director Utility South
Mike_Bullock@CSX.Com

CSX Transportation
500 Water Street-J242
Jacksonville, FL 32202

November 14, 2008

Mr. Jack Reid
Director of Fuel Supply
Seminole Electric Coop. Inc.
16313 North Dale Mabry Highway
P. O. Box 272000
Tampa, Florida 33688-2000

Dear Jack,

Per CSXT's letter of September 26, 2008 attached are the Common Carrier Rates on Coal for Seminole Electric at Bostwick, FL. The origins for which CSXT is establishing Common Carrier Rates are those specified in the Complaint filed by Seminole with the STB on October 3, 2008. Please let us know if Seminole requires any additional rates.

Best regards,

A handwritten signature in black ink, appearing to read "Mike Bullock", written in a cursive style.

CC: Mike Sullivan

Attachment

**CSX TRANSPORTATION
CSXT-32531
Common Carrier Rates on Coal
For Seminole Electric Cooperative**

Effective Date: January 1, 2009
Termination Date: December 31, 2009

1. Transportation Particulars: (Rates per net ton)

Destination : Bostwick, FL

Route: CSXT Direct EVWR-Evansville- CSXT

**CSXT Origin Mines
(As defined in CSXT 8200)**

Dotki, KY	\$41.68
Cardinal 9, KY	\$41.68
Cimarron, KY	\$41.68
Carlisle, IN	\$44.93
Consol 95, WV	\$49.71
Bailey Mine, PA	\$51.66

CSXT Origin Port
Charleston, SC \$28.48

Other Railroad Origins
Epworth, IL \$44.18*

Commodity: Coal (STCC NO. 11-212)
Equipment: Railroad owned cars or Private 286,000 pound GWR capacity, rotary dump cars
Train Size: 100-Car unit train (Minimum)
Unloading: Six (6) hour unloading at destination
Loading: As governed by Tariff CSXT 8200 when on CSXT or Coal Tariff EVWR 4000 when on the EVWR. Twenty-four hours will apply at Charleston, SC
Demurrage: Subject to the provisions of Tariff CSXT 8200 or EVWR 4000
Fuel Surcharge: The provisions of Tariff CSXT 8200 will not apply

*CSXT will pay a revenue factor/division of revenue up to a maximum of \$1.80 per ton (subject to quarterly rate adjustment) to the EVWR under this joint line rate. CSXT will not be responsible for any accessorial charges, surcharges or any other charges assessed by the EVWR, or for any revenue requirements above \$1.80 per ton for transportation services provided pursuant to this joint line rate that may be assessed by the EVWR.

2. Incorporation of Tariffs, Rules, ETC:

This Price Sheet incorporates both CSXT and EVWR tariffs (i.e. Common Carrier Rates, including CSXT 8200-series and other service terms), statues and regulations that would apply if this Price Sheet did not exist, as of the date of shipment tender. The provisions of this Price Sheet control in case of any direct and express conflict.

3. Payment:

Subject to the provisions of Section 13, published in Tariff CSXT-8200. All shipments made under this publication will be "Collect".

4. Bill of Lading:

The provisions of the Uniform Straight Bill of Lading (Bill of Lading) are incorporated herein reference. Industry will add the following to each Bill of Lading:

"Subject to CSXT-32531"

5. Damage Claims:

Any claims for loss, damage or delay to Commodity shipments shall be governed by 49 USC 11707 and 49 CFR 1005.

6. Reservation System – Trainload/Unit Train Service:

The reservation system for trainload/unit train service as detailed in the CSXT-8200 series publication will apply.

7. Quarterly Rate Adjustments:

All rates are subject to quarterly increase or decrease based upon 100% of the Rail Cost Adjustment Factor – Unadjusted. Rate adjustments will commence April 1, 2009. Rates will not be adjusted below the base rates as detailed above.

8. Car Supply and Private Car Compensation

Industry may supply private equipment but must notify CSXT of intent to do so at least thirty (30) days prior to January 1, 2009. Industry must indicate the number of cars it intends to supply by car initial and number and must represent that it is entitled to receive mileage allowance payments for CSXT use of the cars. All cars are subject to OT-5 rules and regulations, any changes to Seminole's private car fleet requires updating of the list and OT-5 approval. Industry must also indicate its tonnage forecast by origin-destination pair. CSXT will pay a private car mileage allowance of \$0.19 per loaded mile based upon the mileage set out in Attachment 1. (Example: Dotiki-Bostwick allowance is \$0.19 multiplied by 812 miles without regard to actual loaded miles for any particular movement.) Industry may file for the mileage allowance within 15 days of the end of each month, using the attached Mileage Claim Form detailing the waybill date and number. CSXT has 45 days to pay the allowance to Industry. The mileage allowance will not escalate. The only eligible private car compensation will be under this provision and cars will not be subject to mileage or per diem payments under any other mechanism. This provision for private car compensation excludes any other form of payment. Private car compensation will be based of the mileages set out in Attachment 1 regardless of actual miles. AAR Car Hire Rate Master File must reflect a zero rate while in service on CSXT or EVWR.

9. Common Carriage Application:

The rates, terms and conditions as published herein (CSXT-32531) are established for the use and benefit of the Seminole Electric Cooperative in the production of electricity from the coal transported and subsequently burned as pulverized coal purchased by Seminole Electric Cooperative and may not be used by any other entity, transferred to any other entity or used in combination with any movement, including without limitation subsequent transportation by rail or truck from any of the stated destinations.

The rates and conditions set out in this publication are only applicable to the origins specifically listed in this publication. Intermediate applications of origins not listed in CSXT-32531 will not apply. CSXT will add rates, terms, and conditions from other specific origins to this publication on specific request by Seminole Electric Cooperative.

The rates, terms, and conditions herein may be modified from time to time on statutory notice.

Attachment A
Miscellaneous Car Hire Schedule
Private Car Mileage Allowance Claim Form
Seminole Electric Cooperative
Pursuant to CSXT 32531
Service Month _____

Origins	Mileage Rate \$/Loaded Mile		Loaded Miles		Carloads		Mileage Payment Due
Dotik, KY	\$0.19	x	812	x	_____	=	<u>\$0.00</u>
Epworth, IL	\$0.19	x	873	x	_____	=	<u>\$0.00</u>
Cardinal 9, KY	\$0.19	x	795	x	_____	=	<u>\$0.00</u>
Cimarron, KY	\$0.19	x	790	x	_____	=	<u>\$0.00</u>
Carlisle, IN	\$0.19	x	920	x	_____	=	<u>\$0.00</u>
Consol 95, WV	\$0.19	x	1,088	x	_____	=	<u>\$0.00</u>
Bailey Mine, PA	\$0.19	x	1,167	x	_____	=	<u>\$0.00</u>
Charleston, SC	\$0.19	x	296	x	_____	=	<u>\$0.00</u>
Grand Total						=	<u>\$0.00</u>

Claims should be filed for each shipment in the month of origin waybill date. (Example: Shipment waybilled April 30, delivered May 5; submit claim for entire allowance for that move for service month April.) Customer will identify the detailed waybill and carload information as outlined on page 2.

Submit Schedule to:
 CSX Transportation
 CSX Building J832
 500 Water Street
 Jacksonville, FL 32202
 Attn - Director Utility Coal
 Fax - 904-359-3341

Attachment A
Number of
Cars on
Waybill

Number of
Cars Eligible
for Refund

Waybill Number

Sum of
Eligible
Cars