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SERVICE DATE - LATE RELEASE NOVEMBER 25, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42069

DUKE ENERGY CORPORATION

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: November 25, 2003

By a decision served on November 6, 2003, the Board found that the complainant, Duke Energy Corporation (Duke), had failed to establish that certain challenged rates of Norfolk Southern Railway Company (NS) were unreasonably high. On November 18, 2003, Duke filed a petition to correct technical errors in the Board's decision. Duke also simultaneously filed a petition to stay the effectiveness of the November 6, 2003 decision pending the correction of the alleged technical errors. NS replied in opposition on November 21, 2003.

To enable the Board to address the issues raised by Duke, the Board's decision will be stayed pending further order of the agency addressing the petition. The 20-day period for parties to file motions for reconsideration and the 30-day period for Duke to inform the Board about the phasing option are tolled until the Board issues such order.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The Board's November 6, 2003 decision is stayed pending the Board's review of technical issues and further action.

2. The 20-day period for parties to file motions for reconsideration and the 30-day period for Duke to inform the Board about the phasing option are tolled pending further order of the Board.

3. This decision is effective on the date of service.

By the Board, Roger Nober, Chairman.

Vernon A. Williams
Secretary