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SEC

SERVICE DATE – DECEMBER 6, 2004

Surface Transportation Board
Washington, DC 20423-0001

December 2, 2004

STB Docket No. 42069

DUKE ENERGY CORPORATION

v.

NORFOLK SOUTHERN RAILWAY COMPANY

NOTICE

A court action, entitled as shown below,
was instituted on or about November 19, 2004,
involving the above-titled proceeding:

No. 04-1393

Duke Energy Corporation

v.

Surface Transportation Board and United States of America

*before the
United States Court of Appeals for District of Columbia Circuit*

Vernon Williams
Secretary