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SEC

SERVICE DATE - DECEMBER 6, 2004

Surface Transportation Board
Washington, DC 20423-0001

December 2, 2004

STB Docket No. 42070

DUKE ENERGY CORPORATION

v.

CSX TRANSPORTATION, INC.

NOTICE

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

No. 04-1392

Duke Energy Corporation

v.

Surface Transportation Board and United States of America

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

Vernon Williams
Secretary