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SEC

SERVICE DATE – LATE RELEASE APRIL 19, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42069

DUKE ENERGY CORPORATION
v.
NORFOLK SOUTHERN RAILWAY COMPANY

STB Docket No. 42070

DUKE ENERGY CORPORATION
v.
CSX TRANSPORTATION, INC.

STB Docket No. 42072

CAROLINA POWER & LIGHT COMPANY
v.
NORFOLK SOUTHERN RAILWAY COMPANY¹

Decided: April 19, 2005

By separate motions filed on April 14, 2005, Duke Energy Corporation and Carolina Power & Light Company (collectively, complainants) request a modification of the procedural schedules for their respective cases, as set by the Board in a decision served on January 6, 2005. The complainants seek to extend the deadline for filing their opening statements by 30 days, and to modify in a corresponding manner the deadlines for reply statements, rebuttal statements, and briefs.

The complainants state that the extensions are needed to accommodate the workload of their expert consultants and witnesses. They also contend that the extensions are warranted given delays in the discovery process. The complainants state that the defendant railroads, Norfolk Southern Railway Company and CSX Transportation, Inc. agree with the proposed modifications.

¹ These proceedings are not consolidated. They are being handled together in a single decision for administrative convenience.

The requests are reasonable. Accordingly, the motions to extend the procedural schedules in these cases will be granted.

It is ordered:

1. The complainants' motions to modify the procedural schedules, as established in the January 6, 2005 decision, are granted.

2. The procedural schedule for STB Docket No. 42069 is as follows:

June 2, 2005	Opening statement due.
July 1, 2005	Reply statement due.
August 1, 2005	Rebuttal statement due.
September 1, 2005	Briefs due.

3. The procedural schedule for STB Docket No. 42070 is as follows:

May 27, 2005	Opening statement due.
June 27, 2005	Reply statement due.
July 27, 2005	Rebuttal statement due.
August 26, 2005	Briefs due.

4. The procedural schedule for STB Docket No. 42072 is as follows:

June 6, 2005	Opening statement due.
July 8, 2005	Reply statement due.
August 8, 2005	Rebuttal statement due.
September 8, 2005	Briefs due.

5. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary

Vernon A. Williams
Secretary