

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42070

DUKE ENERGY CORPORATION

v.

CSX TRANSPORTATION, INC.

Decided: September 5, 2003

The Surface Transportation Board will hold an oral argument on Wednesday, September 10, 2003, at 10:00 a.m., in Room 760, the Board's Hearing Room, on the 7th floor at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, DC. Participation is limited to the parties' representatives, as set out below. At issue is Duke Energy Corporation's (Duke) complaint challenging the reasonableness of the rates charged by CSX Transportation, Inc. (CSXT), for movements of coal from various mine origins in Virginia, West Virginia, and Kentucky to Duke's electricity-generating plants located in North Carolina and South Carolina. Duke has asked the Board to prescribe the maximum reasonable rates that CSXT may charge for this traffic.

Instructions for Attendance at Hearing

The Board requests that all persons attending the oral argument use the Mercury Building's main entrance at 1925 K Street (on the northeast corner of the intersection of 20th and K Streets). There will be no reserved seating. Please plan to arrive early enough to be seated no later than 9:45 a.m. For security reasons, all persons should be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, and any other bags. Visitors must be cleared through security in the Board's Suite 100 (on the 1st Floor, at the top of the ramp to the left of the main lobby) prior to being escorted to the hearing room.

Quiet laptops and tape recorders may be brought into the hearing room, but absolutely no provision will be made for the connection of personal computers to Board telephone lines. Cellular telephone use is not permitted in the hearing room, or in the rear anteroom. Cellular phones may only be used outside the hearing room.

The Board's hearing room does comply with the Americans With Disabilities Act, and persons needing such accommodations should contact Beverly Ledbetter in the Board's Section of Facilities Management at (202) 565-1709, by the close of business on Tuesday, September 9, 2003.

Schedule of Appearances

In response to the Board's decision, served August 11, 2003, granting oral argument, the parties provided names of their respective speakers, together with written summaries of the specific points to be raised at the oral argument. The speakers should also be prepared to answer questions from the bench. Each speaker will be allotted 45 minutes. Complainant will open and may reserve part of its time for rebuttal if it so chooses. The following speakers are scheduled to address the Board: for the complainant, Duke, William L. Slover; and for the defendant, CSXT, G. Paul Moates.

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

It is ordered:

1. Admittance to the Surface Transportation Board oral argument on September 10, 2003, will be based upon the conditions set forth above.
2. Time is allocated to the speakers as discussed above.
3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary