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SEC

SERVICE DATE - DECEMBER 6, 2004

**Surface Transportation Board**  
Washington, DC 20423-0001

December 2, 2004

*STB Docket No. 42072*

**CAROLINA POWER & LIGHT COMPANY**

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:

**04-1394**

**Carolina Power & Light Company**

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**