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SEC

SERVICE DATE - LATE RELEASE OCTOBER 9, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42072

CAROLINA POWER & LIGHT COMPANY

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: October 9, 2003

By complaint filed on February 1, 2003, Carolina Power & Light Company (CP&L) challenges the rates charged by Norfolk Southern Railway Company (NS) for trainload movements of coal from origins in Virginia, West Virginia, and Kentucky to CP&L's Roxboro and Mayo electricity generating facilities in North Carolina. CP&L alleges that NS possesses market dominance over the traffic and requests that maximum reasonable rates be prescribed, along with other relief. The parties filed opening evidence on June 10, 2002; reply evidence on October 11, 2002; rebuttal evidence on November 27, 2002; and briefs on February 28, 2003.

An oral argument to discuss the issues raised in this proceeding will be held on Wednesday, October 29, 2003, beginning at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.

No additional written comments may be filed, as an extensive written record has already been developed in this proceeding. Each party is therefore encouraged to use its oral argument time to call attention to the points it believes are particularly important. The purpose of oral argument is not to restate the written arguments previously made, but to summarize and emphasize the key points of a party's case, and provide an opportunity for questions that the Board may have regarding any issue in the proceeding.

The parties in this case will each have 45 minutes of argument time. CP&L will open and may reserve part of its time for rebuttal if it so chooses. Each party must provide the full name and title of its speaker to the Board, together with a written summary (not to exceed 3 pages) of the specific points it wishes to discuss at the oral argument, as soon as possible, but no later than October 22, 2003.

If a party wishes to enhance its argument by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's

projection system on Tuesday, October 28, 2003, from 2:00 p.m. to 4:00 p.m. Please call (202) 565-1709 to make arrangements.

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

It is ordered:

1. Oral argument in this proceeding will be held on Wednesday, October 29, 2003, beginning at 10:00 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.

2. Each party must provide the information specified above in writing by October 22, 2003.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary