

SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036-3098

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
DONALD G. AVERY
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
PETER A. PFOHL
DANIEL M. JAFFE
KAREN HASSELL HERREN
KENDRA A. ERICSON

207095



TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:

wls@sloverandloftus.com

January 22, 2003

Via: HAND DELIVERY

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board - Case Control Unit
1925 K Street, N.W.
Washington, D. C. 20423

ENTERED
Office of Proceedings

Re: Docket No. 42069, Duke Energy Corporation
v. Norfolk Southern Railway Company

JAN 22 2003

Part of
Public Record

Dear Secretary Williams:

On January 15, 2003, counsel for Norfolk Southern (NS) asked you to file some new traffic data in the record in the above-referenced proceeding.

You must deny NS's request and reject the materials which NS seeks to file for two (2) reasons. Firstly, the materials are unverified and are therefore ineligible for your acceptance as evidence. Secondly, the evidentiary record in this proceeding was closed on November 19, 2002. As such, had NS tendered verified materials, you would still be obligated to reject as they are out-of-time.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads 'William L. Slover'.

William L. Slover
An Attorney for Complainant
Duke Energy Corporation

WLS:kfm

cc: Counsel for Defendant