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January 6, 2004

209793

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EXPEDITED ACTION REQUESTED

BY 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

JAN - 7 2004

Part of
Public Record



Re: Docket No. 42072, Carolina Power & Light Company
v. Norfolk Southern Railway Company

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding please find an original and ten copies of Complainant Carolina Power & Light Company's ("CP&L") Unopposed Petition for Extension of Due Date for Petitions for Reconsideration of the Board's decision served December 23, 2003 in this docket.

Because the present due date for any petitions for reconsideration (January 12, 2004) is less than a week away, CP&L respectfully requests the Board to **expedite its consideration** of the enclosed Petition.

Thank you for your attention to this matter.

Sincerely,

C. Michael Loftus

Enclosures

cc: David M. Konschnik (Office of Proceedings)
G. Paul Moates, Esq. (Counsel for NS)

BEFORE THE
SURFACE TRANSPORTATION BOARD

209793

CAROLINA POWER & LIGHT
COMPANY,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY
COMPANY,

Defendant.

Docket No. 42072



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COMPLAINANT'S UNOPPOSED PETITION FOR
EXTENSION OF DUE DATE FOR PETITIONS FOR RECONSIDERATION

*** EXPEDITED ACTION REQUESTED ***

CAROLINA POWER & LIGHT
COMPANY

By: David T. Conley
Carolina Power & Light Company
410 South Wilmington Street
Raleigh, North Carolina 27601

OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: January 6, 2004

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Attorneys for Complainant

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



CAROLINA POWER & LIGHT
COMPANY,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY
COMPANY,

Defendant.

Docket No. 42072

**COMPLAINANT'S UNOPPOSED PETITION FOR
EXTENSION OF DUE DATE FOR PETITIONS FOR RECONSIDERATION**

Pursuant to 1104.7 and 1117.1, Complainant Carolina Power & Light Company ("CP&L") hereby petitions the Board to extend the due date for petitions for reconsideration of the Board's decision served in this docket on December 23, 2003 until January 20, 2003.

This brief extension of the due date for petitions for reconsideration is necessary to enable CP&L to complete its evaluation of the Board's 143 page decision and the Board's subsequently released workpapers. NS has authorized CP&L to advise the Board that NS has no objection to the requested extension.

This requested extension is necessitated by the fact that the seasonal holidays over the past two weeks have limited the amount of time in which CP&L and its counsel and consultants have had to review and evaluate the decision, and communicate with one another about the decision. Additionally, lead counsel for CP&L has been

unavailable to work on this matter for most of the period since the service of this decision because he has been ill.

The granting of the requested brief extension of the due date will provide each of the parties time to analyze the decision and accompanying workpapers more thoroughly to determine any issues each may wish to address in any petition for reconsideration. Under the circumstances, CP&L submits that good cause exists for a modest extension in the due date for filing of petitions for reconsideration.

WHEREFORE, CP&L respectfully requests that the Board issue an order extending the due date for petitions for reconsideration until January 20, 2004. Given the very short time (six days) remaining until the due date for petitions for reconsideration under the Board's rules, CP&L respectfully requests the Board to expedite its decision on this Petition.

Respectfully submitted,

CAROLINA POWER & LIGHT
COMPANY

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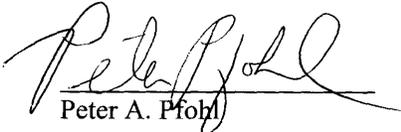
Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: January 6, 2004

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2004, I caused copies of the foregoing
Petition to be served by hand upon the following counsel for Defendant Norfolk Southern
Railway Company:

G. Paul Moates, Esq.
Paul A. Hemmersbaugh, Esq.
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