

**Surface Transportation Board Reschedules Oral Argument in "Carolina Power & Light v. Norfolk Southern" Rail-Rate Complaint
From Oct. 29 to Nov. 19, 2003**

Surface Transportation Board (Board) Chairman Roger Nober today announced that the Board will hold oral argument concerning the railroad rate-complaint case entitled *Carolina Power & Light Company v. Norfolk Southern Railway Company*, STB Docket No. 42072, beginning at **10:00 a.m. EST, on Wednesday, November 19, 2003, in the Board's Hearing Room, Room 760, on the 7th Floor of the Mercury Building, 1925 K Street, N.W., Washington, D.C.**

In a decision issued to the public on October 9, 2003, the Board scheduled oral argument between "Carolina Power" and "Norfolk Southern" for October 29, 2003. By a decision issued on October 14, 2003, the Board reopened the public record in this case for limited purposes, and rescheduled the oral argument for November 19, 2003. In a decision issued on October 17, 2003, the Board provided instructions to the parties for the November 19 oral argument.

Carolina Power and Norfolk Southern each will have 45 minutes to speak. Carolina Power will begin the oral argument session and may reserve part of its time for rebuttal, if it chooses. Both parties must provide to the Board by **November 12, 2003** the full name and title of their respective speakers and a written summary (not to exceed three pages in length) of the specific points each wishes to discuss during the oral argument.

The parties may use visual displays and/or handouts, but must notify Board staff in advance by telephoning **(202) 565-1709** to make arrangements for visual displays. Board staff will be available to demonstrate the Hearing Room's projection system on **Tuesday, November 18, 2003, from 2:00 p.m. to 4:00 p.m.**

Printed copies of the Board's decisions of October 9, 14, and 17, 2003, in STB Docket No. 42072 are available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@verizon.net. The decisions also are available for viewing and downloading free of charge via the Board's website at <http://www.stb.dot.gov>. A Fact Sheet is attached summarizing the issues in this case.

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ATTACHMENT

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FACT SHEET

***Carolina Power & Light Company v. Norfolk Southern Railway Company* STB Docket No. 42070**

On February 1, 2002, the Carolina Power & Light Company (Carolina Power) filed a complaint with the Board challenging the reasonableness of the rates charged by the Norfolk Southern Railway Company (Norfolk Southern) for trainload movements of coal from various mine origins in Virginia, West Virginia, and Kentucky to Carolina Power's Roxboro and May electricity-generating facilities in North Carolina. Carolina Power claims that there is no effective competition from other railroads or other transportation modes for these shipments, and has asked the Board to prescribe the maximum reasonable rates that Norfolk Southern may charge for this traffic.

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