

**Surface Transportation Board Schedules September 10 Oral Argument in "Duke Energy v. CSX" Rail Rate-Complaint Case**

Surface Transportation Board (Board) Chairman Roger Nober today announced that the Board will hold oral argument concerning the railroad rate-complaint case entitled *Duke Energy Corporation v. CSX Transportation, Inc.*, STB Docket No. 42070, beginning at **10:00 a.m. EDT, on Wednesday, September 10, 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.**

The Board has decided to grant the request of the complainant, Duke Energy Corporation ("Duke"), that oral argument be held in this proceeding (see the attached "Fact Sheet"). The Board stated that Duke and CSX Transportation, Inc. ("CSX"), the defendant railroad, may not file additional written comments, as an extensive public record already has been developed. Duke and CSX are encouraged to use their time to call attention to the points each believes particularly important to its position. The Board emphasized that the purpose of the oral argument is to provide an opportunity for the parties to summarize and to highlight the key points of their positions (as opposed to restating written arguments already made), and for the posing of questions by the Board regarding any issue.

Duke and CSX each will have 45 minutes to speak. Duke 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 **August 27, 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 at 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, September 9, 2003, from 2:00 p.m. to 4:00 p.m.**

A printed copy of today's decision is STB Docket No. 42070 is 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@earthlink.net](mailto:da2dalegal@earthlink.net). The decision also is available for viewing and downloading free of charge via the Board's website at <http://www.stb.dot.gov>.

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**ATTACHMENT**

**FACT SHEET**

***Duke Energy Corporation v. CSX Transportation, Inc.*, STB Docket No. 42070**

On December 19, 2001, the Duke Energy Corporation ("Duke") filed a complaint with the Board challenging the reasonableness of the rates charged by CSX Transportation, Inc. ("CSX") for movements of coal from various mine origins in Virginia, West Virginia, and Kentucky to Duke's Cliffside, Riverbend, and Lee electricity-generating facilities located at Brice and Riverbend, North Carolina, and Pelzer, South Carolina, respectively. Duke 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 CSX may charge for this traffic.

The parties' opening evidence was received in this case on May 24, 2002; reply evidence on September 20, 2002; rebuttal evidence on November 12, 2002; and briefs on April 14, 2003.

Duke has requested that an oral argument be held for the Board to explore the positions of the parties on matters of particular interest. The Board determined that Duke's request was reasonable, and so announced that oral argument would be held on September 10, 2003.

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