

Surface Transportation Board Seeks Additional Evidence in "Duke v. Norfolk Southern," "Duke v. CSX" & "Carolina Power & Light v. Norfolk Southern" Rail Rate-Complaint Cases

On Friday, October 10, 2003, the Surface Transportation Board issued an order in the maximum rate case *Duke Energy Corporation v. Norfolk Southern Railroad Corporation*, STB Docket No. 42069, in which it noted that the record was incomplete on one issue in the case, asked the parties to make an expedited evidentiary filing, and tolled the deadline for deciding the case until **November 6, 2003**. In its final review the Board's staff determined that it needed additional evidence to resolve an aspect of the case.

Today, the Board issued a similar order in *Carolina Power & Light Company v. Norfolk Southern Railroad Corporation*, STB Docket No. 42072, and *Duke Energy Corporation v. CSX Transportation*, STB Docket No. 42070. In that order the Board established deadlines for the parties to make their expedited evidentiary filings and tolled the statutory deadline for deciding those cases. The new deadline in the "*Carolina Power & Light*" case is **December 23, 2003**, while the new deadline in the "*Duke Energy*" case is **February 4, 2004**.

The Board also announced that the oral argument in the *Carolina Power & Light* case, which had been scheduled for **October 29, 2003**, would now be held on **November 19, 2003**.

The Board understands the importance to the parties of the expeditious resolution of these matters, but believes that the additional evidence is necessary to ensure a fair and complete decision in each of these cases. The orders in these cases will accomplish these goals in the minimum possible time.

Printed copies of the Board's decisions in these cases 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@earthlink.net. The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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