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SEC

SERVICE DATE - DECEMBER 13, 2002

SURFACE TRANSPORTATION BOARD

DECISION¹

STB Docket No. 42069

DUKE ENERGY CORPORATION

v.

NORFOLK SOUTHERN RAILWAY COMPANY

STB Docket No. 42070

DUKE ENERGY CORPORATION

v.

CSX TRANSPORTATION, INC.

STB Docket No. 42072

CAROLINA POWER & LIGHT COMPANY

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Decided: December 12, 2002

On December 4, 2002, Duke Energy Corporation (Duke Energy) and Norfolk Southern Railway Company (NS) filed a joint motion to establish a schedule for submission of closing briefs in STB Docket No. 42069. Also on December 4, 2002, Duke Energy filed a joint motion with CSX Transportation, Inc. (CSXT), to establish a briefing schedule in STB Docket No. 42070. Finally, on December 9, 2002, Carolina Power & Light Company (CP&L) and NS filed a joint motion to establish a briefing schedule in STB Docket No. 42072.

As stated in their respective motions, the parties in the three proceedings have jointly proposed the simultaneous filing of a single round of closing briefs. Due dates for briefs were jointly proposed by the parties in each of the cases. In addition, the parties proposed page limitations.

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

In complex cases such as these, the Board has generally found that briefs, properly employed, can focus the issues and thereby contribute to greater efficiency in analyzing the record. Accordingly, by this order, the three joint motions to permit the simultaneous filing of briefs are granted. The parties are reminded that new evidence is not permitted in briefs and will be subject to motions to strike and other sanctions. In order to provide for the orderly administration of these cases, the filing dates agreed to by the parties have been modified as set forth in the schedule below. Each party shall file 15 copies of each submission, which shall not exceed the specified page limitations, as well as 3 computer diskettes containing electronic versions of the submission in WordPerfect 9.0 format.

It is ordered:

1. Simultaneous briefs are due in each proceeding as follows:

STB Docket No. 42069: January 15, 2003 (briefs not to exceed 40 pages);
STB Docket No. 42072: February 28, 2003 (briefs not to exceed 40 pages);
STB Docket No. 42070: April 14, 2003 (briefs not to exceed 40 pages).

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary