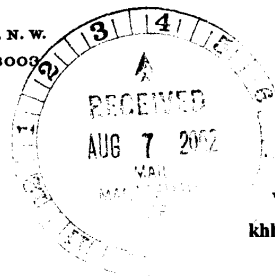


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August 7, 2002

VIA HAND-DELIVERY

205997

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Case Control Unit
1925 K Street, N.W.
Washington, D.C. 20423

Re: Docket No. 42069, Duke Energy Corporation
vs. Norfolk Southern Railway Company

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding please find an original and ten copies of the parties' Joint Petition to Re-Establish Procedural Schedule.

The parties respectfully request that the Board expedite its consideration of the enclosed Petition.

Thank you for your attention to this matter.

Sincerely,


Karen Hassell Herren

KHH/jck
Enclosures

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

ENTERED
Office of Proceedings
AUG 8 2002
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

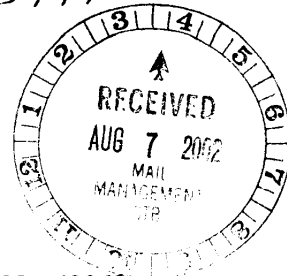
DUKE ENERGY CORPORATION,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,

Defendant.



Docket No. 42069

**JOINT PETITION TO
RE-ESTABLISH PROCEDURAL SCHEDULE**

***** EXPEDITED ACTION REQUESTED *****

**ENTERED
Office of Proceedings**

AUG 8 2002

**Part of
Public Record**

In its decision served July 26, 2002, the Board ruled that a short extension of the procedural schedule in this case was necessary to enable the parties to complete discovery as directed by the decision and prepare their reply evidence, particularly given the sudden and untimely death, on July 23, 2002, of one of the Defendant's lead counsel in this proceeding. The Board directed the parties to "expeditiously complete discovery, and then attempt to agree upon a procedural schedule to submit to the Board." (July 26 decision at 12.)

The parties are in the process of completing discovery in response to the July 26 decision, and they have agreed on appropriate due dates for the remainder of the procedural schedule for submission to the Board. (Both parties filed opening evidence on May 24, 2002.) The agreed due dates are as follows:

Reply evidence due: September 27, 2002

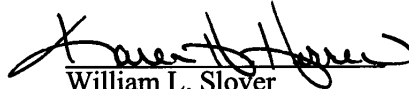
Rebuttal evidence due: November 19, 2002

The parties respectfully request that the Board re-establish the procedural schedule in this case by setting the remaining evidentiary due dates in accordance with the parties' agreement as described above.

Respectfully submitted,



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Duke Energy Corporation

Dated: August 7, 2002

CERTIFICATE OF SERVICE

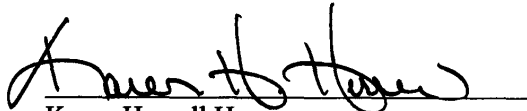
I hereby certify that I have this 7th day of August, 2002, served copies of the Joint Petition to Re-Establish Procedural Schedule upon counsel for Defendant, as follows:

Via Hand-Delivery:

G. Paul Moates
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Washington, D.C. 20005

Via Federal Express:

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Karen Hassell Herren
An Attorney for Duke Energy Corporation