

SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 20036-3003

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
DONALD G. AVERY
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
PETER A. PROHL
DANIEL M. JAFFE
KAREN HASSELL HERREN

TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:
Cam@sloverandloftus.com

August 28, 2002

206131

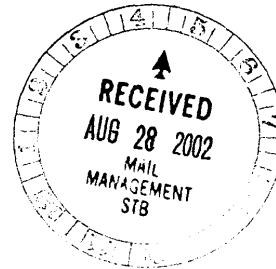
VIA HAND-DELIVERY

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

ENTERED
Office of Proceedings

AUG 29 2002

Part of
Public Record



Re: Docket No. 42072, Carolina Power & Light Company
v. 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,

A handwritten signature in black ink, appearing to read "Chris Mills".

Christopher A. Mills

CAM/dhb
Enclosures

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

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

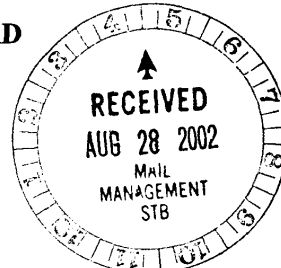
CAROLINA POWER & LIGHT COMPANY,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,

Defendant.



Docket No. 42072

**JOINT PETITION TO
MODIFY PROCEDURAL SCHEDULE**

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

In its decision served August 26, 2002, the Board granted in part and denied in part Defendant Norfolk Southern Railway Company's motion to compel responses by Complainant Carolina Power & Light Company to certain of its discovery requests. The parties are in the process of completing discovery in response to the August 26 decision, and have agreed that a short extension of the procedural schedule in this case is necessary for this purpose and in view of the sudden and untimely death, on July 23, 2002, of one of the Defendant's lead counsel in this proceeding.

The parties have also agreed on appropriate new due dates for the remainder of the procedural schedule for submission to the Board. (Both parties filed opening evidence on June 10, 2002.) The present and proposed new due dates are as follows:

	<u>Present</u>	<u>Proposed</u>
Reply evidence due:	September 6, 2002	October 11, 2002
Rebuttal evidence due:	October 7, 2002	November 27, 2002

The parties respectfully request that the Board modify the procedural schedule in this case by re-setting the remaining evidentiary due dates in accordance with the proposal set forth above, which reflects the parties' agreement.

Respectfully submitted,

G. Paul Moates *cm*
 G. Paul Moates
 Paul A. Hemmersbaugh
 SIDLEY AUSTIN BROWN & WOOD
 1501 K Street, N.W.
 Washington, D.C. 20005
 (202) 736-8000
 Attorneys for Defendant
 Norfolk Southern Railway Company

Christopher A. Mills
 C. Michael Loftus
 Christopher A. Mills
 Frank J. Pergolizzi
 Peter A. Pfohl
 Daniel M. Jaffe
 SLOVER & LOFTUS
 1224 Seventeenth Street, N.W.
 Washington, D.C. 20036
 (202) 347-7170
 Attorneys for Complainant
 Carolina Power & Light Company

Dated: August 28, 2002