

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. PFOHL
DANIEL M. JAFFE
KAREN HASSELL HERREN

TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

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

December 4, 2002

VIA HAND-DELIVERY

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

206761



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

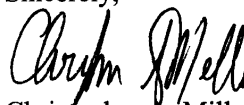
Dear Secretary Williams:

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

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

Thank you for your attention to this matter.

Sincerely,


Christopher A. Mills

ENTERED
Office of Proceedings

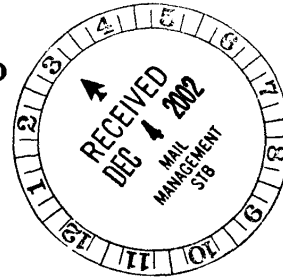
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Enclosures

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

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



DUKE ENERGY CORPORATION,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,

Defendant.

Docket No. 42069

**JOINT MOTION TO
ESTABLISH BRIEFING SCHEDULE**

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

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The parties filed their Rebuttal Evidence in this proceeding on November 19, 2002. They have conferred on the subject of briefs and have agreed to submit this joint motion requesting the Board to authorize and direct that one round of simultaneous briefs be filed, with each brief not to exceed 40 pages in length. The agreed due date for the briefs is the later of January 22, 2002, or 22 days after service of a decision by the Board authorizing the filing of briefs.

As the Board is aware, Complainant also has a rate case pending against CSX Transportation, Inc. in Docket No. 42070. Consistent with the staggered evidentiary filing dates established in Docket Nos. 42099 and 42070, the proposed due date for briefs

in this case is one week later than the proposed due date for simultaneous briefs in Docket No. 42070, Duke Energy Corporation v. CSXT Transportation, Inc.. The parties in Docket No. 42070 are today filing a similar joint motion for a briefing schedule in that case.

The parties respectfully request that the Board expedite its decision on this joint motion and that it authorize the filing of simultaneous briefs in accordance herewith.

Respectfully submitted,



G. Paul Moates *cm*
Terence M. Hynes
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

Dated: December 4, 2002



William L. Slover
Robert D. Rosenberg
Christopher A. Mills
Andrew B. Kolesar III
Karen Hassell Herren
SLOVER & LOFTUS
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 3457-7170
Attorneys for Complainant
Duke Energy Corporation