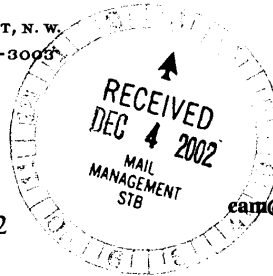


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December 4, 2002

VIA HAND-DELIVERY

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

ENTERED
Office of Proceedings

DEC 4 2002

Part of
Public Record

206760

Re: Docket No. 42070, Duke Energy Corporation
vs. CSX Transportation, Inc.

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.

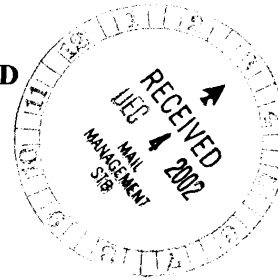
Sincerely,

Christopher A. Mills

CAM/dmb
Enclosures

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

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



DUKE ENERGY CORPORATION,

Complainant,

v.

CSX TRANSPORTATION, INC.,

Defendant.

Docket No. 42070

ENTERED
Office of Proceedings

DEC 04 2002

Part of
Public Record

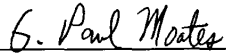
**JOINT MOTION TO
ESTABLISH BRIEFING SCHEDULE**

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

The parties filed their Rebuttal Evidence in this proceeding on November 12, 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 15, 2002, or 15 days after service of a decision by the Board authorizing the filing of briefs.

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,



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Dated: December 4, 2002



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