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November 12, 2003

By Hand Delivery

Mr. John Atkisson
FOIA/PA Officer
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423



**Re: Duke Energy Corporation v. Norfolk Southern Railway Company,
STB Docket No. 42069**

Dear Mr. Atkisson:

In response to Norfolk Southern Railway Company's Freedom of Information Act request in the above-captioned proceeding, the STB produced a compact disk ("CD") containing electronic workpapers on November 7, 2003. NS has been unable to open or review three of the files contained on that disk, because those files apparently contain errors or have been damaged or corrupted. The names of the three files we have been unable to open, and the corresponding error messages we receive when we attempt to open those files are listed below:

1. File: Final DCF 11-03-03 310PM Straight Mileage without 88 reroute.wk4 Error message: "cyclic redundancy check error"
2. File: LUMs and Carmiles (NS) v2 (Modified Off Jct)-stb.xls Error message: "cyclic redundancy check error"
3. File: Equipment Counts (Modified Off Jct)-stb.xls Error message: "Error performing inpage operation"

On behalf of Norfolk Southern, we request that the Board review the three listed files, and expeditiously provide a replacement CD containing versions of those three files that NS and

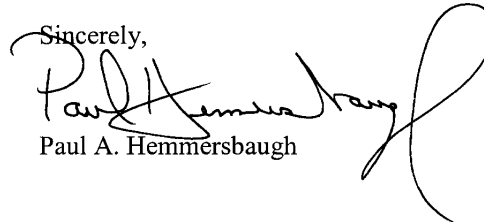
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its consultants can open and review. If you have questions regarding this request, please contact the undersigned. Thank you in advance for your prompt response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Hemmersbaugh". The signature is fluid and cursive, with a large loop at the end.

Paul A. Hemmersbaugh

cc: William L. Slover, Esq.