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BY HAND

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



Re: Duke Energy Corporation v. Norfolk Southern Railway Company, STB
Docket Number 42069

Dear Secretary Williams:

This afternoon, we received a copy of a letter that Complainant Duke filed with the Board regarding Duke's November 18 Petition to Correct Technical Error. See Letter from William L. Slover to Secretary Williams (Dec. 17, 2003) ("Duke's Letter"). Duke's Letter is a "reply to a reply," see 49 C.F.R. 1104.13(c) (prohibiting such filings), and NS has not had an opportunity to review the additional claims and revised calculations set forth in Duke's surreply. To avoid burdening the Board or causing further delay, NS will not file a substantive response to Duke's surreply, and will rest on its previous response. See Reply of Defendant Norfolk Southern to Duke Energy's Petition to Correct Technical Error (Dec. 2, 2003). NS' decision not to file a further reply is not intended to indicate that NS agrees with any of the arguments or revised calculations that Duke included in the surreply it filed earlier this afternoon.

Very truly yours,

G. Paul Moates
Paul A. Hemmersbaugh

cc: William L. Slover, esq.