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May 16, 2005

BY HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423



Re: Docket No. 42072. *Carolina Power & Light
Company v. Norfolk Southern Railway Company*

Dear Secretary Williams:

Enclosed for filing in the referenced proceeding please find an original and ten copies of a Joint Petition to Modify Procedural Schedule. Because this Joint Petition is being filed twenty-seven (27) days before its Opening Statement is due under the present schedule, the parties jointly request that the Board give this filing **EXPEDITED CONSIDERATION**.

An additional copy of this pleading also is enclosed. Please indicate receipt and filing by time-stamping this extra copy and returning it to the bearer of this letter.

Thank you for your prompt attention to this matter.

Sincerely,

C. Michael Loftus

CML:jwp
Enclosures

cc: David M. Konschnik
Counsel for NS

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

213988

CAROLINA POWER & LIGHT COMPANY)

Complainant.)

v.)

NORFOLK SOUTHERN RAILWAY)
COMPANY.)

Defendant.)

Docket No. 42072

ENTERED
Office of Proceedings

MAY 16 2005

Part of
Public Record

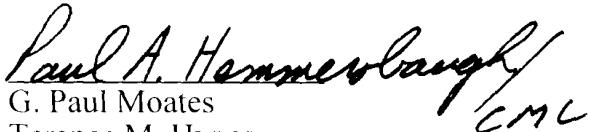
JOINT PETITION TO MODIFY PROCEDURAL SCHEDULE

Complainant Carolina Power & Light Company ("CP&L") and Defendant Norfolk Southern Railway Company ("NS") hereby jointly request that the Board modify the procedural schedule issued by the Board on January 6, 2005, and as amended by Decision served April 19, 2005, as follows to permit an approximately thirty (30) day extension for the filing of CP&L's Opening Statement and subsequent filings:

	<u>Present Schedule</u>	<u>Proposed Schedule</u>
Opening Statement due	June 6, 2005	July 11, 2005
Reply Statement due	July 8, 2005	August 11, 2005
Rebuttal Statement due	August 8, 2005	September 12, 2005
Briefs due	September 8, 2005	October 12, 2005

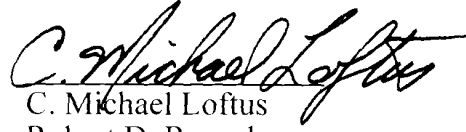
Accordingly, CP&L and NS respectfully submit that the Board should grant the requested approximately one-month extension as it relates to all of the parties' submissions.

Respectfully submitted,


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Dated: May 16, 2005


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Attorneys for Complainant

CERTIFICATE OF SERVICE

I hereby certify, that I have this 16th day of May, 2005 caused to be served copies of the foregoing Joint Petition to Modify Procedural Schedule on counsel for defendant Norfolk Southern Railway Company as follows:

By hand delivery to:

G. Paul Moates, Esq.
Terence M. Hynes, Esq.
Paul A. Hemmersbaugh, Esq.
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and by Federal Express to:

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Andrew B. Kolesar
An Attorney for Complainant