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May 16, 2005

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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. 42069. *Duke Energy Corporation*
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 (20) days before its Opening Statement is due under the present schedule, the parties 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
C. Michael Loftus

CML:jwp
Enclosures

cc: David M. Konschnik
Counsel for NS

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

213989

DUKE ENERGY CORPORATION	)	
	)	
Complainants.	)	
	)	Docket No. 42069
v.	)	
	)	
NORFOLK SOUTHERN RAILWAY	)	
COMPANY.	)	
	)	
Defendant.	)	
	)	

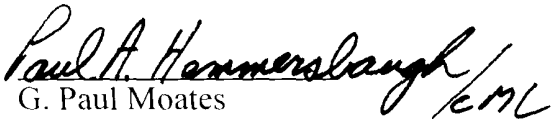
JOINT PETITION TO MODIFY PROCEDURAL SCHEDULE

Complainant Duke Energy Corporation ("Duke") and Defendant Norfolk Southern Railway Company ("NS") hereby 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 Duke's Opening Statement and subsequent filings:

	<u>Present Schedule</u>	<u>Proposed Schedule</u>
Opening Statement due	June 2, 2005	July 1, 2005
Reply Statement due	July 1, 2005	August 1, 2005
Rebuttal Statement due	August 1, 2005	September 1, 2005
Briefs due	September 1, 2005	October 3, 2005

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

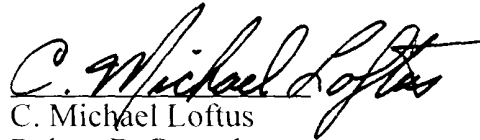
Respectfully submitted.



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Attorneys for Defendant

Dated: May 16, 2005



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Attorneys for Complainant

CERTIFICATE OF SERVICE

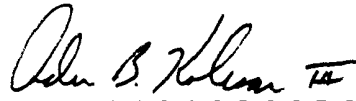
I hereby certify, that I have this 16th day of May, 2005 caused to be served copies of the foregoing Joint Petition to Modify Procedural Schedule on counsel for defendant Norfolk Southern Railway Company as follows:

By hand delivery to:

G. Paul Moates, Esq.
Terence M. Hynes, Esq.
Paul A. Hemmersbaugh, Esq.
Sidley Austin Brown & Wood
1501 K Street, N.W.
Washington, D.C. 20005

and by Federal Express to:

James A. Squires, Esq.
George A. Aspatore, Esq.
David A. Shelton, Esq.
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510



Andrew B. Kolesar
An Attorney for Complainant