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May 17, 2005

BY HAND DELIVERY

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

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214000

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

Dear Secretary Williams:

Yesterday, on behalf of the parties in Docket No. 42070, *Duke Energy Corp. v. CSX Transportation, Inc.*, we filed a Joint Petition to Modify Procedural Schedule. It has come to our attention that the version of the Joint Petition that we filed yesterday contained an error. In order to correct that error, we hereby enclose an original and ten copies of a corrected Joint Petition to Modify Procedural Schedule.

We request that the incorrect versions in the Board's possession be destroyed and the corrected version of the Joint Petition be substituted in their place.

We also note that the cover letter to our May 16, 2005 Joint Petition incorrectly stated that the parties were making their filing fourteen (14) days before Duke's Opening Statement was due under the current schedule. In fact, the Joint Petition was filed only eleven (11) days before Duke's Opening Statement was due under the current schedule. In the cover letters for the related Joint Petitions filed in Docket No. 42069 and Docket No. 42072, the number of days before the Opening Statements was also incorrect and should have been seventeen (17) days and twenty-one (21) days respectively.

The Hon. Vernon A. Williams
May 17, 2005
Page 2

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,

A handwritten signature in black ink, reading "C. Michael Loftus". The signature is written in a cursive, flowing style with a large initial "C" and a long, sweeping underline.

C. Michael Loftus

CML:jwp
Enclosures

cc: Paul A. Hemmersbaugh, Esq.

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DUKE ENERGY CORPORATION

Complainants,

v.

CSX TRANSPORTATION, INC.,

Defendant.

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Docket No. 42070

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**CORRECTED JOINT PETITION
TO MODIFY PROCEDURAL SCHEDULE**

Complainant Duke Energy Corporation ("Duke") and Defendant CSX Transportation, Inc. ("CSXT") 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 a 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	May 27, 2005	June 27, 2005
Reply Statement due	June 27, 2005	July 27, 2005
Rebuttal Statement due	July 27, 2005	August 26, 2005
Briefs due	August 26, 2005	September 26, 2005

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

Respectfully submitted,

Handwritten signature of Paul A. Hemmersbaugh in cursive, followed by the initials "CML" in a stylized font.

G. Paul Moates
Terence M. Hynes
Paul A. Hemmersbaugh
SIDLEY AUSTIN BROWN & WOOD
1501 K Street, N.W.
Washington, DC 20005
(202) 736-8000

Attorneys for Defendant

Dated: May 16, 2005

Handwritten signature of C. Michael Loftus in cursive.

C. Michael Loftus
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Andrew B. Kolesar III
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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 corrected Joint Petition to Modify Procedural Schedule on counsel for defendant CSX Transportation, Inc. 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

Peter J. Shudtz, Esq.
CSX Corporation
1331 Pennsylvania Ave., N.W.
Suite 560
Washington, D.C. 20004

and by Federal Express to:

Ellen M. Fitzsimmons, Esq.
Paul R. Hitchcock, Esq.
Gilbert L. Feltel, Jr., Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202



Andrew B. Kolesar III
An Attorney for Complainant