

214272

SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.

WASHINGTON, D. C. 20036-3003

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
DONALD G. AVERY
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
PETER A. PFOHL
DANIEL M. JAFFE
KENDRA A. ERICSON

TELEPHONE:
(202) 347-7170

FAX:
(202) 347-3619

WRITER'S E-MAIL:
cml@sloverandloftus.com

June 29, 2005

BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

JUN 30 2005

Part of
Public Record



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

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding please find an original and ten copies of Complainant Carolina Power & Light Company's Motion to Dismiss with Prejudice.

We also have enclosed an additional copy of this Motion to be date-stamped and returned to the bearer of this letter. Thank you for your attention to this matter.

Sincerely,

C. Michael Loftus
An Attorney for Carolina Power &
Light Company

Enclosures

cc: Counsel for Defendant

Docket No. 42072

Complainant Carolina Power & Light Company (“CP&L”) and Defendant Norfolk Southern Railway Company have reached a voluntary settlement of the matters at issue in this complaint proceeding. Accordingly, CP&L hereby requests that the Board enter an order dismissing, with prejudice, the complaint, including the phasing proceeding.

Respectfully submitted,

CAROLINA POWER & LIGHT COMPANY

By: David T. Conley
Carolina Power & Light Company
410 South Wilmington Street
Raleigh, NC 27601

C. Michael Loftus
Frank J. Pergolizzi
Peter A. Pfohl
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170



OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: June 29, 2005

Attorneys for Complainant

CERTIFICATE OF SERVICE

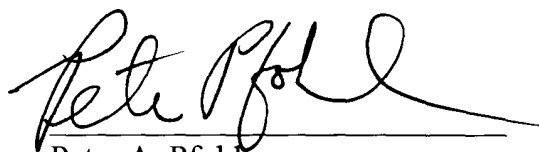
I hereby certify, that I have this 29th day of June, 2005 caused to be served copies of the foregoing Motion on counsel for Defendant Norfolk Southern Railway Company as follows:

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

A handwritten signature in black ink, appearing to read "Peter Pfohl", written over a horizontal line.

Peter A. Pfohl
An Attorney for Complainant