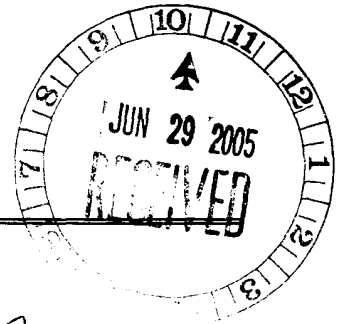


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Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD



DUKE ENERGY CORPORATION

Complainant,

v.

CSX TRANSPORTATION, INC.,

Defendant.

214262

Docket No. 42070

MOTION TO DISMISS WITH PREJUDICE

Complainant Duke Energy Corporation ("Duke") and Defendant CSX Transportation, Inc. have reached a voluntary settlement of the matters at issue in this complaint proceeding. Accordingly, Duke hereby requests that the Board enter an order dismissing, with prejudice, the complaint, including the phasing proceeding.

Respectfully submitted,

DUKE ENERGY CORPORATION

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OF COUNSEL:

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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 to Dismiss with Prejudice on counsel for Defendant CSX Transportation, Inc. as follows:

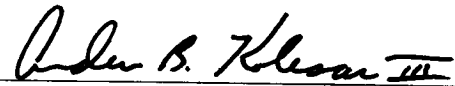
By hand delivery to:

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and by Federal Express to:

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