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June 23, 2020

United States Department of Transportation
Surface Transportation Board
Docket No. AB 1296X

ENTERED
Office of Proceedings
June 23, 2020
Part of
Public Record

Chris Schroeck
General Counsel – Litigation
National Coal, LLC
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Roanoke, VA 24011
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Re: R.J. Corman Railroad Property, LLC – Abandonment Exemption – In Scott, Campbell, and Anderson Counties, Tenn.

Dear members of the Board:

National Coal, LLC's interest in these proceedings is, above all else, preservation of the line. National Coal owns coal and mining rights to thousands of acres of land in East Tennessee. If the line in this filing is removed we will have no way to ship coal out of this area in the future.

When we sold the rail line to R.J. Corman in 2010, we reserved a "right of first refusal" for one primary reason: to ensure our voice would be heard in any future acquisition and that the line would be preserved for future use. Our sales agreement with RJ Corman provides NC Railroad a right of first refusal to repurchase the Rail Line in the event Buyer (i) receives and intends to accept an offer from an independent third party to purchase the Rail Line or (ii) undergoes a change in control. The right of first refusal also included an agreement not to seek administrative entitlement to abandon, or to discontinue rail freight service over the line without first providing us with the option to repurchase the line in accordance with the terms and conditions outlined in the Agreement. R.J. Corman has breached this agreement on several occasions. For the board's information, I have attached a copy of an SEC Form 8-K setting forth the terms of the agreement.

Although current market conditions do not permit us to mine our holdings in East Tennessee, we hope to resume shipment on this line when the market recovers. Our economy will only have access to these resources if critical infrastructure, such as this rail line, is preserved.

If the OFA proceeds we will enforce our right of first refusal. We have discussed this with Arkansas-Oklahoma Railway Company, and we understand that if they are able to acquire the line, we will retain our right of first refusal for any future sale. More importantly they intend to maintain and operate the line, which will preserve it for future use. We therefore support the OFA process and AOK's efforts to acquire the line.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'C' followed by a long horizontal stroke.

Chris Schroeck

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the
Securities Exchange Act of 1934

Date of Report (Date of Earliest Event Reported): May 18, 2010

NATIONAL COAL CORP.
(Exact name of registrant as specified in its charter)

Florida
(State or other jurisdiction of incorporation)

0-26509
(Commission File Number)

65-0601272
(I.R.S. Employer Identification No.)

8915 George Williams Road
Knoxville, Tennessee 37923
(Address of Principal Executive Offices/Zip Code)

(865) 690-6900
(Registrant's telephone number, including area code)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (*see* General Instruction A.2. below):

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(B))
 - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 8.01. Other Events

On May 18, 2010, NC Railroad, Inc., a subsidiary of National Coal Corp., entered into a Purchase and Sale Agreement (the "Agreement") with R.J. Corman Railroad Property LLC ("Buyer") pursuant to which we sold 42-miles of rail line between Oneida and Devonia, Tennessee (the "Rail Line") for approximately \$3 million. The sale of the Rail Line included any and all tracks, rails, ties, switches, crossings, bridges, and trestles as well as all other trackage, appurtenances, improvements and fixtures affixed to the Rail Line. The purchase price was payable in cash and received on May 19, 2010.

The Agreement provides NC Railroad a right of first refusal to repurchase the Rail Line in the event Buyer (i) receives and intends to accept an offer from an independent third party to purchase the Rail Line or (ii) undergoes a change in control. Additionally, Buyer agreed not to seek administrative entitlement to abandon, or to discontinue rail freight service over the Rail Line without first providing NC Railroad the option to repurchase the Rail Line in accordance with the terms and conditions outlined in the Agreement.

A press release, announcing the sale of the Rail Line was published by the Company on May 20, 2010, is attached hereto as Exhibit 99.1 and is incorporated herein by this reference.

Item 9.01. Financial Statements and Exhibits

(c) Exhibits.

The following exhibits are filed herewith:

<u>Exhibit</u> <u>Number</u>	<u>Description</u>
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99.1	Press Release dated May 20, 2010, published by National Coal Corp.
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SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

NATIONAL COAL CORP.

Date: May 24, 2010

By: /s/ Les Wagner
Les Wagner
Acting Chief Financial Officer

Certificate of Service

I hereby certify that on April 28, 2020, a copy of the foregoing was served upon the following:

Mark Bevilhimer
Bigelowt2@mindspring.com
Tennessee Citizens for Wilderness Planning

Catherin S. Wright
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/s/ Christopher J. Schroeck