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SEC

SERVICE DATE - MARCH 17, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34319

CONSOLIDATED RAIL CORPORATION —
DECLARATORY ORDER PROCEEDING

Decided: March 14, 2003

By petition filed February 25, 2003, Consolidated Rail Corporation (Conrail) has asked the Board to institute a declaratory order proceeding to resolve whether certain alleged breach of contract and declaratory judgment claims made in AT&T Communications, Inc. v. Consolidated Rail Corp., No. 03-CV-147 (BWK) (E.D. Pa.), filed January 10, 2003, are preempted under 49 U.S.C. 11321(a) by the Board's approval of the Conrail control transaction in CSX Corp. et al. — Control — Conrail Inc. et al., 3 S.T.B. 196 (1998).

By request filed March 7, 2003, AT&T Communications, Inc. (AT&T), seeks an extension, to April 7, 2003, of the deadline for filing a response to Conrail's declaratory order petition. AT&T advises that counsel for Conrail has consented to the requested extension.

The request for an extension of the deadline by which AT&T must file a response to Conrail's declaratory order petition is reasonable, and will, therefore, be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The deadline by which AT&T must file a response to Conrail's declaratory order petition is extended to April 7, 2003.

2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary