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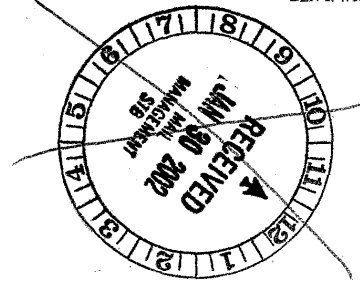
January 30, 2002

OF COUNSEL
BEN T. WIGGINS

VIA FEDERAL EXPRESS

Office of the Secretary
Surface Transportation Board
1925 K Street, NW
Suite 780
Washington, DC 20423

ENTERED
Office of the Secretary
FEB 04 2002
Part of
Public Record



RE: Capitol Materials Incorporated-Petition for Declaratory Order
Docket No.: NOR 42068

Dear Secretary:

The undersigned represents the Petitioner in the above-styled matter along with the firm of Rachelson & White. On January 21, 2002, we received notice via the STB website that a decision was entered in this matter by the Surface Transportation Board on January 16, 2002, including a Scheduling Order. This office has still not received the actual paper copy of the decision from the STB.

The Scheduling Order provides that Petitioner's opening statement is due on February 15, 2002. Due to the complex issues involved in this matter, we are requesting a ninety (90) day period for limited discovery in this proceeding. On behalf of Petitioner, we would respectfully request that the Scheduling Order due dates be revised to follow the ninety (90) day discovery period.

I am enclosing a copy of this correspondence and would appreciate your office file-stamping the additional copy and returning same to me in the enclosed stamped, self-addressed envelope. Thank you for your assistance in this matter.

Sincerely,

Bruce Mitchell

Bruce E. Mitchell, Esq.

TAS/crg

cc: Ira Rachelson, Esq.
Richard A. Allen, Esq.
George A. Aspatore, Esq.