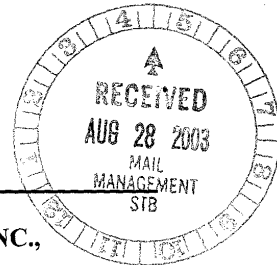


208801

EDC-2

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C.

Finance Docket No. 33388 (Sub-No. 94)



CSX CORPORATION AND CSX TRANSPORTATION, INC.,
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY --
CONTROL AND OPERATING LEASES/AGREEMENTS --
CONRAIL, INC. AND CONSOLIDATED RAIL CORPORATION
(PETITION FOR SUPPLEMENTAL ORDER)

**MOTION OF THE NEW YORK CITY ECONOMIC DEVELOPMENT
CORPORATION, ACTING ON BEHALF OF THE CITY OF NEW YORK, NY
FOR A MODIFICATION OF THE PROCEDURAL SCHEDULE**

The New York City Economic Development Corporation ("EDC"), acting on behalf of the City of New York, NY ("the City"), hereby moves the Surface Transportation Board (the "Board") for a modification of the procedural schedule established in the decision served in this matter on July 9, 2003 ("*July 9 Decision*") and states the following in support thereof:

I. Background Facts

In the *July 9 Decision* the Board ordered, among other things, "any person (including but not limited to, persons served with copies of this decision) who wishes to file comments respecting the petition must file such comments by August 28, 2003." *See*

July 9 Decision at p. 2. Thereafter, the Board stated, “Petitioners¹ will have until September 25, 2003 to reply to any such comments.” *Id.*

II. Argument

Pursuant to the *July 9 Decision* the EDC is filing its “comments respecting the petition in a timely fashion” (“EDC Comments”) today. The EDC Comments includes a series of questions directed to Petitioners relating to issues raised by the petition that is the subject of this proceeding. EDC anticipates that the Petitioners will reply to these questions on or before September 25, 2003. Accordingly, EDC respectfully requests that the Board grant it an opportunity to file a document in the nature of a rebuttal, to the extent necessary, to any reply filed by any Petitioner to permit it to formulate and present to the Board an opinion as to whether to support, oppose or remain neutral with respect to the proposed transactions described in the Petition, as supplemented by the requested information, and to otherwise react to any responses the Petitioners will provide.

Specifically, EDC is requesting that the procedural schedule established in the *July 9 Decision* be modified to provide an opportunity to file a rebuttal based on the Petitioners’ replies to EDC’s questions, including any way that those responses relate to any other matters raised in this proceeding, within fifteen (15) days of the date the Petitioners file those responses. This rebuttal would be therefore due on or before October 10, 2003.²

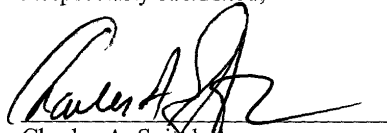
Because the purpose of this motion is to enable the parties and this Board to be able to make a decision based on a complete record and a complete understanding of the

¹ The Petitioners in this case include CSX Corporation (“CSX”), CSX Transportation, Inc. (“CSXT”), Norfolk Southern Corporation (“NS”), Norfolk Southern Railway Company (“NS”), Conrail, Inc. (“Conrail”) and Consolidated Rail Corporation (“CRC”) (hereinafter “Petitioners”).

issues raised by the proposed transactions, no parties to the proceeding will be prejudiced or disadvantaged by the modification they are requesting.

WHEREFORE, and in view of all of the foregoing, EDC respectfully requests the Board to modify the procedural schedule to permit the submission of rebuttal testimony on or before October 10, 2003 to address the information the Petitioners will provide in response to the questions posed in EDC's Comments submitted today.

Respectfully submitted,



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Counsel for the New York City Economic
Development Corporation

Dated: August 28, 2003

² This date falls fifteen days after September 25, 2003, the date established by this Board as a deadline for the Petitioners to reply to any comments filed in this proceeding.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing Motion for Modification of the Procedural Schedule of the New York City Economic Development Corporation, Acting on Behalf of the City of New York, NY, to be served by first class mail (or by hand delivery for those counsel in Washington, D.C.) upon the following counsel for Petitioners:

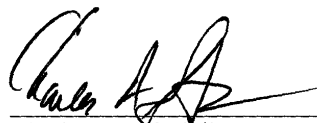
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Date: August 28, 2003


Charles A. Spitulnik