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September 2, 2003

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Washington, DC 20423

ENTERED
Office of Proceedings
SEP 02 2003
Part of
Public Record

RE: Finance Docket No. 34335, *Keokuk Junction Railway Company.—Feeder Railroad Development Application—Line of Toledo, Peoria and Western Railway Corporation between La Harpe and Hollis, IL*

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of the Motion to Hold Proceeding in Abeyance of the Toledo, Peoria and Western Railway Corporation and three diskettes.

Please time and date stamp the extra copy of this letter and the Motion and return it with our messenger. If you have any questions, please contact me.

Respectfully submitted,



Louis E. Gitomer
Attorney for: Toledo, Peoria and Western
Railway Corporation

Enclosures



BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 34335



KEOKUK JUNCTION RAILWAY COMPANY—FEEDER RAILROAD DEVELOPMENT
APPLICATION—LINE OF TOLEDO, PEORIA & WESTERN RAILWAY CORPORATION
BETWEEN LA HARPE AND HOLLIS, IL

TOLEDO, PEORIA AND WESTERN RAILWAY CORPORATION
MOTION TO HOLD PROCEEDING IN ABEYANCE

EXPEDITED HANDLING REQUESTED

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Attorneys for: TOLEDO, PEORIA AND
WESTERN RAILWAY CORPORATION

Dated: September 2, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 34335



KEOKUK JUNCTION RAILWAY COMPANY—FEEDER RAILROAD DEVELOPMENT
APPLICATION—LINE OF TOLEDO, PEORIA & WESTERN RAILWAY CORPORATION
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TOLEDO, PEORIA AND WESTERN RAILWAY CORPORATION
MOTION TO HOLD PROCEEDING IN ABEYANCE

Toledo, Peoria and Western Railway Corporation (“TP&W”), respectfully requests the Surface Transportation Board (the “Board”) to hold this proceeding in abeyance pending the completion of discovery and the Board’s ruling on the Appeal of Toledo, Peoria and Western Railway Corporation, and the request that Keokuk Junction Railway Company (“KJRY”) clarify its intentions as to the Mapleton Spur.

KJRY filed an Application under 49 U.S.C. § 10907 and 49 C.F.R. § 1151 to force the sale of TP&W’s 76-mile line of railroad between La Harpe, IL, milepost 194.5, and Hollis, IL, milepost 118.5 (the “Line”) on April 9, 2003. The Board accepted the Application. *Keokuk Junction Railway Company—Feeder Railroad Development Application—Line of Toledo, Peoria & Western Railway Corporation Between La Harpe and Hollis, IL*, Finance Docket No. 34335 (STB served July 9, 2003) (the “*July 9 Decision*”). A Notice served by the Board later on July 9, 2003 required the filing of verified statements and comments addressing the Application must by September 15, 2003

TP&W filed the Appeal on July 18, 2003 to the *July 9 Decision* by the Acting Director of the Office Proceedings and requested the Board to find a clear error of judgment that will result in manifest injustice and reject the Application. In the alternative, TP&W asked the Board to require clarification of KJRY's plan for the Mapleton Spur. KJRY replied on August 11, 2003. The Board has yet to rule on the appeal.

On August 1, 2003, KJRY replied to the appeal. In that reply, KJRY did not clarify its intentions as to the Mapleton Spur. TP&W believes that it is imperative that the Board and TP&W be clear about KJRY's plans for the Mapleton Spur.

TP&W filed discovery on KJRY on August 13, 2003. KJRY replied on August 28, 2003. TP&W will file a motion to compel with the Board no later than September 5, 2003 seeking the relevant information that KJRY has objected to providing. In addition, KJRY has not completed document production. In response to Document Request No. 2, KJRY responded "Notwithstanding the objection and not waiving it, KJRY and Pioneer submit that they are still in the process of collecting information responsive to this Request and that it will be furnished to TP&W as soon as practicable." Response at 14, copy of that page attached. Hence, KJRY has not finished responding to discovery.

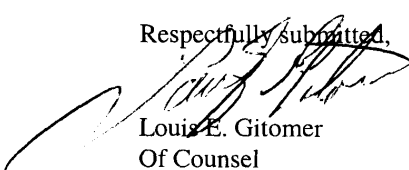
As an example of the objections to which TP&W will seek a motion to compel is the response to Document Request No. 11, which asked "Produce all documents that Mr. Brenkman used to make 'my investigation of this project' referred to on page 36 of the Application." KJRY responded "Mr. Brenkman has independent knowledge of the line based upon personal experience as a TP&W crew member and based on an inspection trip he made a few years ago. He has also reviewed documents of others, but not has produced any independently." TP&W did not request documents "produced" by Mr. Brenkman, but documents he "used." The response admits that Mr. Brenkman used documents, but they are not produced.

TP&W expects to file the motion to compel by September 5, KJRY to respond by September 15, and the Board to then rule. However, at this time, TP&W's comments and verified statements are due on September 15.

As can be seen from the dates above, TP&W respectfully requests the Board to place the schedule for this proceeding in abeyance until it rules on the Appeal and the soon to be filed motion to compel, in order to provide due process and an orderly proceeding.

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Respectfully submitted,



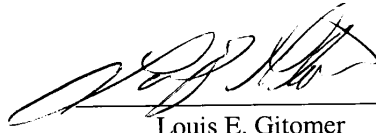
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Attorneys for: TOLEDO, PEORIA AND
WESTERN RAILWAY CORPORATION

Dated: September 2, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document to be served by hand on all parties of record in STB Finance Docket No. 34335.



Louis E. Gitomer
September 2, 2003