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November 6, 2003

VIA MESSENGER AND FAX (202) 565-9004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

ENTERED
Office of Proceedings

NOV - 6 2003

Part of
Public Record

Dear Secretary Williams:

This refers to Finance Docket No 34415, Ohio Department of Transportation-Petition for Declaratory Order-Status of Track at Findlay, Hancock County, OH, and to the Motion to Hold Proceeding in Abeyance and Response to Petition for Declaratory Order Filed by the Ohio Department of Transportation filed this day by the Norfolk Southern Railway Company.

Please be advised that the Ohio Department of Transportation intends to file a Reply to the Motion on or before November 26, 2003, in accordance with 49 C.F.R. 1104.13.

In the meantime, on behalf of the Ohio Department of Transportation, I would note that the Department consented to a two-week extension of the time for Norfolk Southern to reply to the Department's Petition. The indefinite postponement of Board action in the proceeding which Norfolk Southern seeks is unprecedented and unwarranted. The suit before the Court of Common Pleas for Hancock County, stayed for six months to permit the parties to seek a determination of certain disputed issues from the Board, has been pending for more than a year's time, and, if Norfolk Southern were serious in seeking a settlement, it has had more than ample time within which to offer a proposal. Its Motion smacks of a delaying tactic.

Ten copies of this letter are enclosed to permit your circulation of it. An additional copy of this letter is enclosed for you to stamp to acknowledge your receipt of it and to return via the messenger.

Service upon Norfolk Southern has been effected by facsimile transmitting a copy of this letter to its counsel.

Hon. Vernon A. Williams
November 6, 2003
Page Two

Sincerely yours,



Fritz R. Kahn

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