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February 7, 2005

BY HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

FEB - 7 2005

Part of
Public Record

Re: Finance Docket No. 34540, The Columbus & Ohio River
Rail Road Company – Acquisition and Operation Exemption
– Rail Lines of CSX Transportation, Inc. from Columbus to
Newark, Ohio and from Mt. Vernon to Cambridge, Ohio

Dear Secretary Williams:

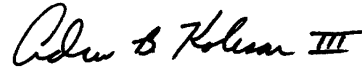
On January 25, 2005, the United Transportation Union (“UTU”) filed a Supplemental Petition to Revoke (“Supplemental Petition”) the exemption that was the subject of the Notice of Exemption filed on September 24, 2004 in the above-referenced proceeding by The Columbus & Ohio River Rail Road Company (“CUOH”). In conjunction with its Supplemental Petition, UTU served discovery requests dated January 24, 2005 upon CUOH as well. See Attachment A hereto. These are the same discovery requests that UTU previously served upon CUOH in this proceeding.

In its Supplemental Petition, UTU observes that on October 22, 2004 (i.e., more than three months prior to the date of UTU’s Supplemental Petition), CUOH filed a supplement to its September 24, 2004 Notice of Exemption making minor changes in the end points of the subject line to be acquired from CSXT. UTU indicates that “[s]ince CUOH has filed this supplemental notice, UTU felt compelled to file this supplemental petition to revoke out of an overabundance of caution.” See Supplemental Petition at 3. UTU’s Supplemental Petition does not introduce any arguments that UTU has not raised previously in this case.

The Hon. Vernon A. Williams
February 7, 2005
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Rather than burden the record in this case with an additional recitation of the defects in UTU's filings, CUOH hereby incorporates all of the arguments from its prior replies to UTU's various efforts to preclude CUOH's acquisition of the subject line, and its efforts to secure discovery from CUOH. See CUOH's October 19, 2004 Reply to Petition to Revoke and Protest; CUOH's October 28, 2004 Reply to Third Petition to Revoke, and CUOH's December 6, 2004 Reply to UTU's Motion to Compel.

Respectfully submitted,

A handwritten signature in black ink, reading "Andrew B. Kolesar III". The signature is written in a cursive, flowing style with a distinct "III" at the end.

Andrew B. Kolesar III
An Attorney for The Columbus & Ohio
River Rail Road Company

Enclosure

PAUL C. THOMPSON
International President

RICK L. MARCEAU
Assistant President

DAN E. JOHNSON
General Secretary and Treasurer

united
transportation
union

Attachment A



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LEGAL DEPARTMENT

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• KEVIN C. BROADAR
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• ROBERT L. McCARTY
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UPS Next Day Air

January 24, 2005

Andrew B. Kolesar, III
Slover & Loftus
1224 17th Street, N.W.
Washington, DC 20036

Re: Finance Docket No. 34540

Dear Mr. Koesar:

This is to request production of various materials set forth in the Supplemental Notice of Exemption in this proceeding, filed January 25, 2005, as follows:

1. All leases and other written arrangements between the Columbus & Ohio River Rail Road Company ("CUOH"), CSXT and/or the Ohio Department of Transportation including leases and other arrangements that bear upon the CUOH leases and operations at issue in the above-referenced Finance Docket. See Notice of Exemption, at pp. 3-4.
2. Any written arrangements between CSXT, the State of Ohio, Ohio Southern Railroad, Inc., Ohio Central Railroad, and/or CUOH regarding ownership or other interests in the subject line prior to the effective date of the transaction at issue. See Notice of Exemption at pp. 3-4.
3. Any operating agreement between CUOH, CSXT and/or State of Ohio regarding the C&N subdivision.

This request is made pursuant to 49 C.F.R. § 1121 in accordance with the petition to revoke, along with 49 C.F.R. § 1114.

Sincerely,

Daniel R. Elliott, III
Associate General Counsel