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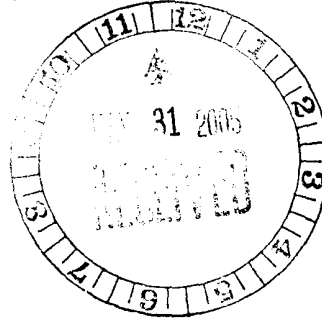
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May 24, 2005

Re: STB Docket No. FD-34608- Ohio Valley Railroad Company – Petition to Restore Switch Connection and Other Relief

Hon. Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Bldg., #711
1925 K Street, N.W.
Washington, D.C. 20423-0001

RECEIVED
Office of the Secretary

STB

Dear Secretary Williams:

This letter is in response to the May 20, 2005 correspondence to the Board submitted on behalf of Indiana Southwestern Railroad Company ("ISW"). In that letter, ISW repeats various factual inaccuracies and mischaracterizes our clients' efforts to obtain ISW rail service. ISW also requests that the Board designate a mediator to assist in resolving these matters. Ohio Valley Railroad ("OVR") and Mid-America Locomotive and Car Repair, Inc. ("Mid-America") have afforded ISW more than adequate opportunity to resolve interchange and discriminatory pricing issues at Harwood Yard, but ISW has simply ignored our clients' efforts in this regard.

Pursuant to 49 C.F.R. §1109.4 alternative dispute resolution procedures such as mediation may only be undertaken in this proceeding if all parties indicate their written consent. BP Amoco Chemical Co. v. Norfolk Southern Rwy. Co., STB Docket 42093 (May 23, 2005). Unfortunately, my clients' experience with ISW indicates that mediation will only be used by ISW for further delay. Accordingly, neither Mid-America nor OVR consent to the use of alternative dispute resolution procedures in this docket and

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we respectfully request that the Board consider this proceeding under its Rules of Practice.

Very truly yours,

VUONO & GRAY, LLC

A handwritten signature in black ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq.
Attorney for Ohio Valley Railroad Company
and Mid-America Locomotive and Car
Repair, Inc.

RRW/bab

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