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ORIGINAL

September 8, 2005

BY HAND

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

ENTERED  
Office of Proceedings

SEP - 8 2005

Part of  
Public Record

RE: STB Docket No. AB-55 (Sub-No. 659X),  
CSX Transportation, Inc.-Abandonment  
Exemption- in Allegany County, MD

Petition to toll time for filing offer  
of financial assistance

Dear Mr. Williams:

ORIGINAL

Pursuant to 49 CFR 1152.27(c)(2)(i), I am submitting on behalf of WMS, LLC ("WMS"), a formal expression of its intent to file an Offer of Financial Assistance ("OFA") in the above-captioned abandonment exemption proceeding. WMS intends to file an OFA to purchase the entire 8.54 mile long rail line between milepost BAI 27.0 and milepost BAI 18.46 that is the subject of this abandonment.

Under the Board's regulations, this filing would normally have been due within 10 days of the date notice of the abandonment was published in the *Federal Register* or around Labor Day September 5. Accordingly, WMS petitions the Board for leave to file this formal expression out of time. In support of its request, WMS notes that the Board has accepted late-filed formal expressions of intent, STB Docket No. AB-6 (Sub-No. 428X), BNSF Railway Company-Abandonment Exemption-In Colfax County, NM (served July 21, 2005) and waived deadlines for good cause, specifically retention of legal counsel. See, STB Docket No. AB-441 (Sub-No. 4X), San Pedro Railroad Operating Company, LLC-Abandonment Exemption-In Cochise County, AZ (served July 28, 2005). WMS retained the undersigned counsel today and counsel has promptly filed this request. Although WMS' counsel has contacted CSX counsel to obtain his consent, CSX's counsel has

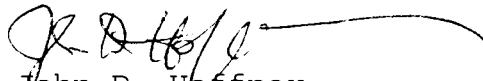
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yet to obtain his client's response. CSX will not in any way be prejudiced by a grant of this request because a short extension to the deadline for filing an expression of intent will not otherwise delay the deadline for filing the OFA (beyond the extended OFA deadline that would apply had WMS filed a timely statement of intent).

Should the Board accept WMS' late-filed formal expression, WMS respectfully requests that the Board toll the deadline for filing its OFA for at least 30 days to enable CSX to furnish and WMS to analyze the information needed to present an OFA. 49 CFR 1152.27(c)(2)(C).

Please date stamp and return one copy of this letter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "J D Heffner", with a long horizontal flourish extending to the right.

John D. Heffner  
Counsel for WMS, LLC

cc: David Konschnik, Esq. (by fax to 565-9002)  
Louis Gitomer, Esq. (by mail and email)  
Randy Gustafson  
Gerald Altizer