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Expedited Action Requested

September 29, 2005

VIA HAND DELIVERY

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 711
Washington, DC 20423

ENTERED
Office of Proceedings

Part of
Public Record

214783

Re: Docket No. AB-290 (Sub-No. 259X) Tennessee Railway Company
Between Oneida, Tennessee and Nicks Creek, Tennessee
Docket No. AB-290 (Sub-No. 260X), Tennessee Railway Company –
Abandonment Exemption – In Anderson and Campbell Counties, Tennessee

Dear Secretary Williams:

Enclosed for filing in the referenced proceedings, please find an original and 10 copies of the Joint Petition to Hold Proceedings in Abeyance. In light of the impending deadline sought to be held in abeyance, expedited consideration of the Petition is requested.

An additional copy of the Petition also is enclosed. Kindly indicate receipt and filing by time-stamping this copy and returning it to the bearer of this letter.

Thank you for your attention to this matter.

Sincerely,

Kelvin J. Dowd
An Attorney for
National Coal Corporation

Enclosure

cc: Joseph Dettmar

SEP 29 2005

Part of
Public Record

Expedited Action Requested



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

TENNESSEE RAILWAY COMPANY –	)	
ABANDONMENT EXEMPTION –	)	
BETWEEN ONEIDA, TENNESSEE AND	)	Docket No. AB-290 (Sub-No. 259X)
NICKS CREEK, TENNESSEE – IN SCOTT	)	
COUNTY, TENNESSEE	)	

TENNESSEE RAILWAY COMPANY –	)	
ABANDONMENT EXEMPTION – IN	)	
ANDERSON AND CAMPBELL	)	Docket No. AB-290 (Sub-No. 260X)
COUNTIES, TENNESSEE	)	

**JOINT PETITION TO
HOLD PROCEEDINGS IN ABEYANCE**

Pursuant to C.F.R. Parts 1104.7(b) and 1117.1, National Coal Corporation (“NCC”) and Norfolk Southern Railway Company and its wholly-owned subsidiary, Tennessee Railway Company (collectively “NS”), petition the Board for an order holding further proceedings in the captioned dockets in abeyance until December 15, 2005, in order to allow the parties time to formalize and close on their just-reached agreement whereunder NCC will acquire and restore service over the subject lines, without the need for further Board intervention.

In support hereof, NCC and NS show as follows:

1. By Decision served August 12, 2005, in response to a request by NCC and NS, the Board extended the deadline for either party to submit a request that the Board set the terms and conditions of a purchase of the subject lines, as described further in said Decision, to September 15, 2005. By Decision served September 15, 2005, in response to a second joint request by NCC and NS, the Board granted a further extension of the deadline, to September 30, 2005.

2. Since the Board's August 12 Order, NCC and NS have pursued good faith negotiations toward a purchase agreement, and today reached an agreement in principle as to all essential terms for the purchase of the subject lines by a newly-created rail subsidiary of NCC, and the restoration of service over the lines by that subsidiary.

3. The terms of the agreement reached by NCC and NS call for the parties to close on the purchase transaction on or before December 15, 2005. In advance of that date, the parties will complete the negotiation of formal transaction documents, conduct due diligence, and otherwise prepare for the transfer of ownership and eventual restoration of service.¹

¹ Timely and appropriate petitions will be submitted to the Board for the approval or exemption of the transactions contemplated by the parties' agreement, as required pursuant to 49 U.S.C. § 10901 and/or other applicable statutes and implementing regulations.

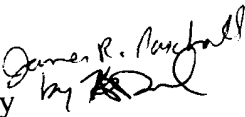
4. Consistent with 49 C.F.R. Parts 1104.7(b) and 1117.1, good cause exists for the Board to hold further proceedings in these dockets in abeyance pending the formalization of the parties' agreement and eventual closing. The relief requested will afford NCC and NS the opportunity to successfully conclude the transfer of and future resumption of operations over the subject lines, at which point they anticipate that NS will request dismissal of these dockets. As the parties noted in their prior requests for due date extensions, this private sector solution will conserve administrative resources and directly serve the national transportation policy goal of minimizing the need for federal regulatory intervention. *See* 49 U.S.C. 10101(2).

5. Finally, in light of the impending expiration of the extension granted on September 15, 2005, NCC and NS respectfully request expedited Board action on this Petition.

WHEREFORE, for good cause shown, NCC and NS respectfully request that the Board issue an order holding further proceedings in these dockets in abeyance until December 15, 2005.

Respectfully submitted,

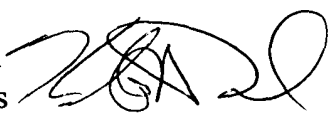
NORFOLK SOUTHERN RAILWAY

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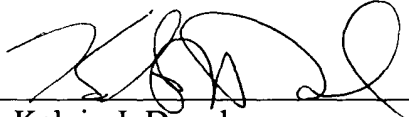
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Dated: September 29, 2005

Attorneys & Practitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2005, I caused copies of the foregoing Joint Petition to Hold Proceedings in Abeyance to be served upon all parties of record in this proceeding by first class United States mail, postage prepaid.



Kelvin J. Dowd