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January 6, 2006

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Re: Railroad Ventures, Inc.
STB Finance Docket No. AB-556 (Sub-No. 2X)
Our File 4431-4

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

ENTERED
Office of Proceedings

Part of
Public Record



Dear Secretary Williams:

Enclosed for filing please find a Motion to Compel Document Production filed by Railroad Ventures, Inc. in connection with ongoing proceedings before the Board in the above captioned docket. Copies of this Motion have been served upon all parties of record and on the Office of Proceedings and opposing counsel by facsimile.

Please date stamp and return the enclosed copy of this cover letter in the self-addressed, stamped envelope provided for that purpose.

Very truly yours,

VUONO & GRAY, LLC

Richard R. Wilson, Esq.
Attorney for Railroad Ventures, Inc.

sb/43413

cc: All Parties of Record
STB Office of Proceedings
Railroad Ventures, Inc.

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO: AB 556 (Sub No. 2X)

RAILROAD VENTURES, INC. - ABANDONMENT EXEMPTION
BETWEEN YOUNGSTOWN, OH AND DARLINGTON, PA,
IN MAHONING AND COLUMBIANA COUNTIES, OH
AND BEAVER COUNTY, PA

MOTION TO COMPEL DOCUMENT PRODUCTION

ENTERED
Office of Proceedings

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Part of
Public Record

RICHARD R. WILSON, ESQ.
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Dated: January 6, 2006

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO: AB 556 (Sub No. 2X)

RAILROAD VENTURES, INC. - ABANDONMENT EXEMPTION
BETWEEN YOUNGSTOWN, OH AND DARLINGTON, PA,
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AND BEAVER COUNTY, PA

MOTION TO COMPEL DOCUMENT PRODUCTION

Pursuant to 49 C.F.R. §1114.31(a), RVI files this Motion to Compel Document Production and in support thereof states as follows:

1. On December 21, 2005, RVI sought limited and specific document production requests from counsel for CCPA/CCPR in connection with any documents in the possession or control of those parties regarding information pertaining to the additional \$149,872 in rehabilitation expenses to which RVI has been directed to respond by the Board's Decision of December 14, 2005. RVI also requested that CCPA/CCPR provide any documentation regarding the status of grant funds provided to it by ORDC incident to the Ohio Central System's acquisition of the Youngstown and Southern Line from CCPA. (See Exhibit A).
2. On December 23, 2005, counsel for CCPA/CCPR responded by indicating that in their view, this proceeding had not been reopened and there was no requirement for them to respond to RVI's document production requests (See Exhibit B).
3. Responding to this letter after the holiday break, RVI on January 3rd pointed out that while the Board had not reopened this proceeding with respect to past submissions of expense documentation, the Board's Decision directed that RVI respond to the additional evidence submitted by CCPA/CCPR in January 2005 and that RVI could not effectively mount a challenge to CCPA/CCPR's evidence without reviewing whatever additional documentation CCPA/CCPR might have with respect to those invoices and payroll records (See Exhibit C).
4. In this exchange of correspondence, RVI set a reasonable response time for CCPA/CCPR to produce this documentation given the expedited schedule established by

the Board for this phase of the escrow account proceeding. RVI requested that CCPA/CCPR provide this information to RVI counsel not later than January 10, 2006 which would provide RVI a mere thirteen (13) days in which to review and assess whatever pertinent information might be produced.

5. To date, RVI has had no indication from CCPA/CCPR that they intend to respond to RVI's document production requests. Accordingly, RVI respectfully requests that the Board, pursuant to 49 C.F.R. §1114.31(a), issue an Order compelling CCPA/CCPR to answer RVI's document production requests. In connection with this Motion to Compel, RVI notes that CCPA/CCPR's counsel has known of this document production request since December 21, 2005 and has had more than ample time within which to consult with their clients and review records and documents in their client's files pertaining to the information submitted by CCPA/CCPR over one year ago in their Petition for Reconsideration.

6. Finally, as a result of the unjustified refusal by CCPA/CCPR to comply with the Commission's Rules of Practice, RVI respectfully requests that the Board direct CCPA/CCPR to respond within ten (10) days from the Board's order to Compel and extend RVI's January 23, 2006 filing deadline accordingly. In the event that CCPA/CCPR fails to comply with the Board's Order to Compel, RVI requests that this phase of the escrow fund proceeding be discontinued and terminated and that the Board ordered refund of \$208,751 be confirmed for payment by CCPA to RVI.

Respectfully submitted,

VUONO & GRAY, LLC



Richard R. Wilson, Esq.
Attorney for Railroad Ventures, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of January, 2006 served a copy of the Motion to Compel Document Production upon the following by first class United States Mail, postage prepaid:

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