

ZUCKERT SCOUTT & RASENBERGER, L.L.P.

ATTORNEYS AT LAW

888 Seventeenth Street, NW, Washington, DC 20006-3309
Telephone [202] 298-8660 Fax [202] 342-0683
www.zsrlaw.com

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RICHARD A. ALLEN

DIRECT DIAL (202) 973-7902
raallen@zsrlaw.com

September 29, 2006

BY HAND DELIVERY

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

ENTERED
Office of Proceedings

SEP 29 2006

Part of
Public Record



Re: CSX Corp. *et al.* – Control and Operating Leases/Agreements – Conrail Inc. *et al.*, Finance Docket No. 33388 (Sub-No. 100), Petition for Clarification Or in the Alternative For Supplemental Order-North Jersey Shared Assets Area.

Dear Secretary Williams:

I am writing on behalf of the three respondents in this proceeding, Norfolk Southern, CSX and Conrail, in reference to "Petitioners' Second Motion to Compel Responses to Discovery Requests," filed on September 26, 2006. Inasmuch as this Second Motion was filed with respect to discovery responses that have not yet been made (and are not due until October 10, 2006), provides no substantive grounds for relief and states that it was filed only for protective purposes, respondents believe that no substantive reply to the Second Motion is called for or required. If and when petitioners file a substantive motion to compel responses to their Second Discovery Requests, served September 22, 2006, respondents will reply to such a motion at the appropriate time.

Respondents note that petitioners have made no objection to the responses respondents provided on September 18, 2006 to the petitioners' initial discovery requests served August 4, 2006 and have not moved to compel further responses to those discovery requests beyond the motion to compel that petitioners filed on September 5, 2006, which concerns respondents' relevancy objections and which is pending decision by the Board. Under the present procedural schedule, established by the Board's order served August 29, 2006, any such motion to compel further responses to petitioners' initial discovery had to be filed by September 26, 2006, as petitioners appear to recognize.

Sincerely,

Richard A. Allen

cc: All parties of record