

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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E.I. DUPONT DE NEMOURS AND COMPANY	)	
	)	
Complainant,	)	
	)	
v.	)	Docket Nos. NOR 42099, 42100
	)	and 42101
CSX TRANSPORTATION, INC.	)	
	)	
Defendant.	)	
_____	)	

JOINT MOTION TO DEFER PROCEDURAL SCHEDULE

Complainant, E.I. du Pont de Nemours and Company ("DuPont") and defendant, CSX Transportation, Inc. ("CSXT"), hereby jointly request that the Board defer for 45 days the procedural schedule that it adopted in the above-captioned proceedings by decision served on January 27, 2009. **The parties request expedited consideration of this Motion due to the very short time period before briefs are due under the procedural schedule.**

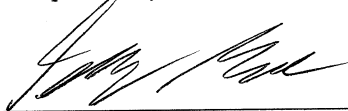
On its own motion, in a decision served on November 21, 2008, the Board reopened these proceedings, to address the effect of a change to the Revenue Shortfall Allocation Method ("RSAM"). The Board did not adopt a procedural schedule in that decision because it still needed to conclude a separate proceeding to obtain information to properly calculate the effect of state taxes upon the RSAM. In the January 27, 2009 decision, however, the Board, upon reconsideration, determined that it is not necessary to delay these proceedings, and issued a procedural schedule that calls for the simultaneous filing of briefs on February 17, 2009 and reply briefs on March 9, 2009.

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On November 10, 2008, DuPont filed a stand-alone cost rate complaint against CSXT in Docket No. 42112 that encompasses 99 movements of 38 commodities. That case is currently in mediation and the mediation period has been extended at the request of the parties. The next mediation meeting between the parties is scheduled for February 17, 2009, which is the same date the Board has set for filing briefs in these proceedings. In addition, the scope of this mediation has the potential to encompass the broad business relationship between DuPont and CSXT, which could include the movements at issue in these proceedings.

Because the parties and their counsel are fully engaged in the mediation process in Docket No. 42112, they jointly ask the Board to defer the procedural schedule in Docket Nos. 42099, 42100 and 42101 for 45 days. This will permit the parties to focus their efforts upon mediating this much larger dispute between them.

Respectfully submitted,



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