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April 23, 2009

***Via Electronic Filing and
UPS Overnight Mail***

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. State Street, S.W.
Washington, DC 20024

Re: Docket No. AB 167 (Sub No. 1190X)
Consolidated Rail Corporation ("Conrail")
Lehigh Valley Main Line
Abandonment Exemption in Hudson County

Dear Secretary Quinlan:

This letter is in response to the letter filed yesterday with the Board by CNJ Rail Corporation ("CNJ") seeking a 48 hour extension of time for filing a reply to Conrail's April 2, 2009 Motion to Dismiss CNJ's Notice of Intent to File an Offer of Financial Assistance. CNJ's request is just another example of its apparent strategy to prolong the OFA process beyond the time periods prescribed in the OFA regulations for no legitimate purpose and therefore, should be denied.

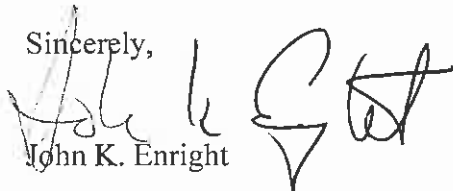
CNJ apparently cannot meet a deadline. The deadline for filing an OFA was February 1, 2009. To date, no OFA has been filed. Shortly thereafter, CNJ claimed that Conrail's disclosures were incomplete and that CNJ would be filing a Motion to Compel Discovery by February 19, 2009. Such motion has yet to be filed.

On April 2, 2009, Conrail filed the subject Motion to Dismiss, a five page pleading. Under the Board's rules, CNJ had twenty days in which to respond. In its letter request, CNJ would have the Board believe that it was about to file its response on the afternoon of the last day of the response period when it received a pleading in a different abandonment proceeding, which it now (without explanation) claims is germane to its response. The short answer is that there is no explanation that could be offered. The basis for Conrail's Motion to Dismiss simply has no relation to the Harsimus Branch abandonment proceeding or any statement filed by Jersey City's Mayor in that proceeding.

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If CNJ had prepared a response addressed to the merits of Conrail's Motion, it could have timely filed its response yesterday and separately requested the Board's permission to supplement its response to address the Mayor's statement. Instead, it once again merely seeks to prolong the OFA process without any showing that an OFA would be viable in respect to the subject rail line, especially when CNJ has no legal status as a corporation and is otherwise a non-operating entity. Conrail urges the Board to close the door on CNJ's misuse of the OFA process by granting Conrail's motion to dismiss and rejecting CNJ's latest attempt at delay and obfuscation.

Sincerely,

A handwritten signature in dark ink, appearing to read "John K. Enright", with a stylized, looped flourish at the end.

cc: Eric S. Strohmeier, V.P. of CNJ Rail Corporation
Joseph H. Dettmar, Esq., Deputy Director. Office of Proceedings