

BEFORE THE SURFACE TRANSPORTATION BOARD

PENNSYLVANIA RAILROAD COMPANY)
)
 --MERGER--)
)
 NEW YORK CENTRAL RAILROAD COMPANY)

Finance Docket No. 35289
(Arbitration Review)

**PENN CENTRAL TRANSPORTATION COMPANY'S PETITION FOR WAIVER OF PAGE
LIMIT FOR ARGUMENT AND APPENDIX AND FOR WAIVER OF NUMBER OF COPIES**

Due to the volume of the record of the arbitration proceedings below, Penn Central Transportation Company ("Penn Central") requests the Board waive (1) the 30-page limit and (2) the 10-copy filing requirements.

The 30-page limit for appeals of 49 C.F.R. § 1115.2(d) applies to Penn Central's petition which is appealing a 181-page arbitration decision under 49 U.S.C. § 1115.8, and in order for Penn Central to properly address all of its legal arguments, requests that the Board waive the 30-page limitation. That usual page limit includes both "argument, and appendices or other attachments . . ." *Id.* The appendix Penn Central is submitting includes the entire record of the arbitration, which spanned four days resulting in 664 pages of transcript and a 214-page arbitration decision (including the dissent). Penn Central offered 106 exhibits and the Claimants offered 61 exhibits. There is also pre- and post- arbitration briefing including proposed findings of fact and conclusions of law that are important to the Board's consideration of the issues in this appeal. For these reasons, Penn Central requests the Board waive the 30-page limit for both the petition and the appendix.

Because of the volume of the record, Penn Central further requests the Board waive the 10 copy requirement of 49 U.S.C. § 1104.3 and permit Penn Central to file four bound paper

copies of its petition and appendix and five discs containing electronic copies in pdf format as previously discussed with Board staff.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Cioffi', is written over a horizontal line.

Michael L. Cioffi (0031098)

Thomas H. Stewart (0059246)

Jason D. Groppe (0080639)

BLANK ROME LLP

1700 PNC Center

201 E. Fifth Street

Cincinnati, OH 45202

513.362.8700 phone

513.362.8787 fax

Counsel for Petitioner,

Penn Central Transportation Company

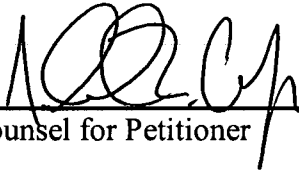
CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing was sent by electronic mail and overnight delivery to the following on August 19, 2009:

Carla M. Tricarichi
Tricarichi & Carnes, L.L.C.
614 Superior Avenue, N.W., Suite 620
Cleveland, OH 44113
Phone: 216.861.6677
Fax: 216.861.6679
Email: ctricarichi@aol.com

Mark Griffin
Thorman & Hardin-Levine Co. LPA
1220 West Sixth Street, Suite 207
Cleveland, OH 44113
Phone: 216.621.9767
Email: mgriffin@thllaw.com

Randy J. Hart
614 Superior Avenue, N.W., Suite 620
Cleveland, OH 44113
Phone: 216.861.6677
Fax: 216.861.6679
Email: randyjhart@gmail.com



Counsel for Petitioner