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TELEPHONE:  
(202) 347-7170

FAX:  
(202) 347-3619

WRITER'S E-MAIL:  
kjd@sloverandloftus.com

**SLOVER & LOFTUS**

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.  
WASHINGTON, D. C. 20036-3003

WILLIAM L. SLOVER  
C. MICHAEL LOFTUS  
DONALD G. AVERY  
JOHN H. LE SEUR  
KELVIN J. DOWD  
ROBERT D. ROSENBERG  
CHRISTOPHER A. MILLS  
FRANK J. PERGOLIZZI  
ANDREW B. KOLESAR III  
PETER A. PFOHL  
DANIEL M. JAFFE  
KENDRA A. ERICSON

**Expedited Consideration Requested**

August 10, 2005

**VIA HAND DELIVERY**

The Honorable Vernon Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Room 711  
Washington, DC 20423



Re: Docket No. AB-290 (Sub-No. 260X), Tennessee Railway Company –  
Abandonment Exemption – In Anderson and Campbell Counties, Tennessee  
Docket No. AB-290 (Sub-No. 259X) Tennessee Railway Company  
Between Oneida, Tennessee and Nicks Creek, Tennessee

Dear Secretary Williams:

Enclosed for filing in the referenced proceedings, please find an original and 10 copies of the Joint Petition for Further Extension of Due Date. In light of the impending deadline sought to be extended, expedited consideration of the Joint Petition is requested.

An additional copy of the Petition also is enclosed. Kindly indicate receipt and filing by time-stamping this copy and returning it to the bearer of this letter.

Thank you for your attention to this matter.

Sincerely,

Kelvin J. Dowd  
An Attorney for  
National Coal Corporation

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**) Docket No. AB-290 (Sub-No. 260X)**

**) Docket No. AB-290 (Sub-No. 259X)**

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1. By Decision served July 14, 2005 in response to a prior joint request by NCC and NS, the Board extended the deadline for either party to submit a request that the Board set the terms and conditions of a purchase of the subject lines, as described further in said Decision, to August 15, 2005. The purpose of this initial extension was to facilitate the

parties' efforts to negotiate an agreement on acquisition terms, and thereby obviate the need for Board intervention.

2. Since the Board's July 14 Order, NCC and NS have pursued good faith negotiations toward a purchase agreement. Most recently, on August 9, 2005 representatives of both parties met and made further progress on a potential agreement to govern not only NCC's purchase of the lines, but its rehabilitation and the future relationship between NS and a successor operator. Successful conclusion of such an agreement would advance the public interest both in renewed operations on the subject lines, and their long-term viability.

3. NCC and NS are committed to attempting to reach a comprehensive agreement on the future of the Oneida-Devonia lines as expeditiously as possible, and have set September 15, 2005 as a realistic target date for the conclusion of negotiations. Should the parties' efforts fail, however, both NCC and NS wish to preserve their rights to seek a Board determination of acquisition terms and conditions under 49 U.S.C. § 10904(e) and 49 C.F.R. Part 1152.27(g)(1), and thereby permit the restoration of basic rail service over the subject lines.

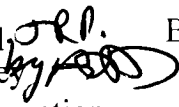
4. In accordance with 49 C.F.R. Part 1104.7(b), good cause exists for a further extension of the Section 10904(g) deadline through September 15, 2005. Such an extension will permit the parties to continue productive negotiations over future operation of the lines without waiver of their statutory rights, potentially conserving administrative resources and promoting the Board's established policy favoring private sector solutions to

erstwhile regulatory disputes. Moreover, as NCC and NS agree on the request, no interested party will be adversely affected by the extension.

WHEREFORE, for good cause shown, NCC and NS respectfully request that the Board issue an order further extending the deadline for a petition to set a purchase price and other conditions for acquisition of the Oneida-Nicks Creek and Nicks Creek-Devonia line segments under 49 C.F.R. Part 1152.27(g)(1), until September 15, 2005.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY      NATIONAL COAL CORPORATION

By: James R. Paschall, Esq.   
Senior General Attorney  
Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510

By: Charles W. Kite  
Senior Vice President and Corporate  
Counsel  
National Coal Corporation  
8815 George Williams Road  
Knoxville, Tennessee 37923

Kelvin J. Dowd   
Slover & Loftus  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036

Dated: August 10, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of August, 2005, I caused copies of the foregoing Joint Petition for Further Extension of Due Date to be served upon all parties of record in this proceeding by first class United States mail, postage prepaid.

  
Kelvin J. Dowd