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THOMAS F. McFARLAND

April 28, 2005

By electronic mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. NOR-42089, *Albany & Eastern Railroad Company v. BNSF Railway Company*

Dear Mr. Williams:

The date for filing an answer to the complaint in the above proceeding has been extended by agreement on several occasions as the parties have negotiated to settle the complaint. The current date for filing an answer is April 28, 2005, by virtue of a Board decision served April 19, 2005.

In behalf of complainant Albany & Eastern Railroad Company (AERC), this is to respectfully request that the Board enter an order holding the complaint in abeyance pending further Board action. Under that scenario, defendant BNSF Railway Company (BNSF) would not be required to file an answer to the complaint at this time. In AERC's view, the parties have made enough progress toward settlement that it is appropriate to hold the complaint in abeyance rather than extend the answer date on multiple occasions. Counsel for BNSF has authorized me to state the BNSF concurs in this request to hold the complaint in abeyance.

Very truly yours

/s/
Thomas F. McFarland
*Attorney for Albany & Eastern
Railroad Company*

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cc: Sidney Strickland, Esq., *by e-mail*
Mr. Mike Root, *by e-mail*