

Board granted that request and served a decision vacating the NITU issued on May 17, 2005 and issuing a new NITU to ITF.

INRD is willing to negotiate an interim trail use agreement with ITF and has contacted ITF with a view to commencing negotiations. In order to do so, however, it is necessary that the Board afford INRD and ITF adequate time to do so.

Accordingly, INRD respectfully requests that the date for concluding a trail use agreement in this proceeding be extended 180 days from November 9, 2006 to May 8, 2007.

Respectfully submitted,

THE INDIANA RAIL ROAD COMPANY

By: _____¹
One of its attorneys

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Dated: November 2, 2006

¹ Document filed electronically

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November 2006 I served a copy of the foregoing JOINT MOTION FOR EXTENSION OF PERIOD TO NEGOTIATE TRAIL USE AGREEMENT on the parties of record in this proceeding by electronic mail and also by depositing a copy thereof in the United States mails, postage prepaid, addressed to counsel for such party listed below:

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/S/

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Dated: November 2, 2006

² Document filed electronically