

BINGHAM **MCHALE LLP**
ATTORNEYS AT LAW

August 22, 2002

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VIA TELEFAX – 202-565-9004
AND FEDERAL EXPRESS

ENTERED
Office of Proceedings,

AUG 23 2002

Part of
Public Record



Mr. Vernon A. Williams
Secretary, Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Re: In the Matter of New York Central Lines, LLC –
Abandonment Exemption – in Vermillion and Warren Counties, Indiana
AB-565 (Sub-No. 4X)
~~AB-55 (Sub-No. 597X)~~

Dear Mr. Williams:

Flex-N-Gate Corporation ("Flex-N-Gate"), by counsel, hereby responds to the August 21, 2002 request of CSX Transportation, Inc. ("CSXT") that the Surface Transportation Board ("Board") deny Flex-N-Gate's Motion for Extension of Time in the above-captioned matter.

Flex-N-Gate respectfully requests the Board to grant the parties an additional fifteen (15) days in which to enter into an agreement which will result in continued rail service over the line at issue in these proceedings ("Line"), to and including September 11, 2002. Flex-N-Gate has been negotiating with a third party operator to provide rail service over the Line, and this third party has recently indicated an unwillingness to enter into an operating agreement with Flex-N-Gate. Thus, Flex-N-Gate requires additional time in which to negotiate an operating agreement with CSXT. Flex-N-Gate's need to ensure continued rail service over the Line weighs in favor of the Board's granting of Flex-N-Gate's motion, and the goal of maintaining continued rail service over the Line should outweigh CSXT's desire to see this matter concluded.

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Enclosed please find ten copies of this correspondence. I certify that I have this day served copies of this document upon all parties of record in this proceeding as shown below. Thank you for your consideration of this matter.

Respectfully submitted,

Bradley D. Hasler

BDH:bar

Enclosure - w/Fed Ex only

cc: Natalie S. Rosenberg (via Federal Express)
Paul R. Hitchcock (via Federal Express)
Richard C. Vonnegut (via Certified Mail and Federal Express)
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