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Expedited Action Requested

September 14, 2005

VIA HAND DELIVERY

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

ENTERED
Office of Proceedings

SEP 14 2005

Part of
Public Record



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

Dear Secretary Williams:

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

Enclosure

cc: Joseph Dettmar

Expedited Action Requested

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



TENNESSEE RAILWAY COMPANY –)
ABANDONMENT EXEMPTION –)
BETWEEN ONEIDA, TENNESSEE AND)
NICKS CREEK, TENNESSEE – IN SCOTT)
COUNTY, TENNESSEE)

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

ENTERED
Office of Proceedings

TENNESSEE RAILWAY COMPANY –)
ABANDONMENT EXEMPTION – IN)
ANDERSON AND CAMPBELL)
COUNTIES, TENNESSEE)

SEP 14 2005

Part of
Public Record

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

**SECOND JOINT PETITION FOR
FURTHER EXTENSION OF DUE DATE**

Pursuant to C.F.R. Part 1104.7(b), National Coal Corporation (“NCC”) and Norfolk Southern Railway Company and its wholly-owned subsidiary, Tennessee Railway Company (collectively “NS”), petition for a further extension of the due date for the submission of a request that the Board set terms and conditions for NCC’s purchase of the lines at issue in these proceedings under 49 U.S.C. § 10904(e), to and including September 30, 2005. NCC and NS request immediate action on this request in order to preserve their respective rights under said Section while they endeavor to successfully conclude negotiations over a comprehensive agreement that would enable NCC to acquire and restore service over the subject lines without the need for further Board intervention.

In support hereof, NCC and NS show as follows:

1. By Decision served August 12, 2005, in response to a prior 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 September 15, 2005.

2. Since the Board's August 12 Order, NCC and NS have pursued good faith negotiations toward a purchase agreement. Their initial expectation was that an agreement could be concluded by September 15, and indeed, substantial progress toward a complete settlement has been made. However, certain issues remain outstanding, and scheduling conflicts and unavoidable delays attributable in part to unexpected demands on key NS personnel as a consequence of Hurricane Katrina made it impossible for the parties to reach final agreement within the time initially allotted.

3. NCC and NS are continuing to work toward a comprehensive agreement on the long-term future of the Oneida-Devonia line, which would make further Board action in this matter unnecessary, and would advance the public interest in the preserved viability of this important coal transportation outlet. Both parties have committed the personnel and resources necessary to successfully achieve this goal; however, additional time is required.

4. Consistent with 49 C.F.R. Part 1104.7(b), good cause exists for a further extension of the Section 10904(e) deadline through September 30, 2005. This additional extension will continue to afford NCC and NS the opportunity to successfully conclude productive negotiations for the transfer of and renewed operations over the subject lines, without waiver of their statutory rights. As the parties noted in their request for the previous extension, this private sector solution would conserve administrative resources and directly serve the national transportation policy goal of minimizing the need for federal regulatory intervention. *See* 49 U.S.C. 10101(2).

5. Finally, in light of the impending expiration of the initial extension granted on August 12, NCC and NS respectfully request expedited Board action on this Petition.

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 30, 2005.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY

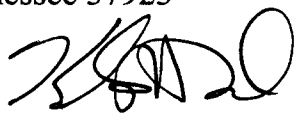
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Dated: September 14, 2005

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Attorneys & Practitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2005, I caused copies of the foregoing Second 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