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April 6, 2017

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
April 6, 2017
Part of
Public Record

Re: **Docket No. AB-55 (Sub-No. 643X)**
CSX Transportation, Inc. -- Abandonment Exemption --
In La Porte, Porter and Starke Counties, IN

Docket No. FD 36076
Chesapeake and Indiana Railroad Company --
Petition for Declaratory Relief

Dear Ms. Brown:

Three times in the above-captioned proceedings, parties have submitted replies to pleadings of Chesapeake and Indiana Railroad Company, Inc. ("CKIN"). Faced with a Board regulation that "[a] reply to a reply is not permitted," 49 C.F.R. § 1104.13(c), CKIN has nonetheless filed an impermissible surreply in all three instances. *See* CKIN Petition for Leave to File A Reply and Reply to Respondents, dated January 17, 2017 and filed January 13, 2017; CKIN Response to Town of North Judson's Reply in Opposition, dated and filed January 25, 2017. Most recently, after Chicago & North Judson Railway Company ("CNJR") replied to CKIN's motion to compel the production of documents, CKIN has tendered a "Response." True to form, CKIN's "Response" is barely three pages shorter than its initial motion to compel.

Blithe references to the need "for a complete record" cannot justify the continual and routine violation of the Board's procedural rules. CKIN Response at 2, n.1. CNJR does not intend to engage in serial pleading sessions with CKIN. CKIN's request for leave to file its impermissible Response should simply be denied.

CNJR does note CKIN's suggestion, CKIN Response at 4, n.2, that CNJR's reply was untimely if it was submitted after 5:00 pm on March 14, 2017. The CNJR reply was in fact filed electronically at 11:39 pm EDT that day, which makes it timely under Board regulations which, at that point, had been in place for nearly a year. 49 C.F.R. § 1104.6 (an "e-filed pleading

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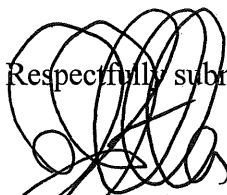
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or document is timely filed if the e-filing process is completed before 11:59 pm eastern time on the due date."); *Improving Regulation and Regulatory Review*, Docket No. EP 712 (STB served February 18, 2016) at 1, 23.

Please feel free to contact me if you have any questions regarding this filing.
Thank you for your assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Thomas J. Litwiler', written over the text 'Respectfully submitted,'.

Thomas J. Litwiler
Attorney for Chicago & North Judson
Railway Company

TJL:tl

cc: John D. Heffner, Esq.
Rachel A. Arndt, Esq.
Thomas F. McFarland, Esq.
John K. Fiorilla, Esq.
Charles A. Spitulnik, Esq.
Steven L. Osit, Esq.