

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of Norfolk)
Southern Railway and the Indiana & Ohio)
Central Railway to Construct Active Grade) Case No. 05-951-RR-FED
Crossing Warning Devices in Montgomery,)
Scioto, and Clermont Counties.)

In the Matter of the Installation by Indiana &)
Ohio Central Railway of Flashing Lights and)
Roadway Gates at the Kemper Road Grade) Case No. 06-557-RR-FED
Crossing Located in Hamilton County and)
the Second Street Grade Crossing Located in)
Clermont County.)

ENTRY

The Commission finds:

- (1) By entries of August 10, 2005, in Case No. 05-951-RR-FED, and April 26, 2006, in Case No. 06-557-RR-FED, the Commission, in part, ordered Indiana & Ohio Central Railway (I&O) to construct active grade crossing warning devices at the Loveland Avenue grade crossing (151-334Y) located in Clermont County, and at the Second Street (151-332K) and Kemper Road (151-336M) grade crossings, located in Clermont and Hamilton counties. All three projects were to be completed by August 10, 2006.
- (2) On July 18, 2006, I&O requested a six-month extension of time to complete the projects due to delays in receiving approval from Ohio Rail Development Commission for the plans and estimates of the traffic signal design. On July 19, 2006, staff recommended that the extension request be granted.
- (3) By entry of August 9, 2006, I&O was granted an extension of time until February 10, 2007, to complete all three projects.
- (4) On January 18, 2007, I&O filed an additional request for a 60-day extension of time to complete the projects. I&O stated that the traffic signal contractor for the projects was unable to receive approval from the city of Loveland to attach the

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interconnect cable to the utility poles and, as a result, had to redesign the interconnection using spread spectrum radio. According to I&O, the redesign of the interconnection and delay in obtaining the radio equipment caused a delay which will not allow it to complete the projects on time.

- (5) Also on January 18, 2007, Commission staff filed a memo recommending that the 60-day extension be granted.
- (6) By letter dated January 25, 2007, I&O filed an amended request asking for a 120-day extension. I&O indicated that, after it filed its January 18, 2007 request, it learned that the vendor for the traffic preemption signal system will be unable to deliver the required material for at least two months.
- (7) On January 30, 2007, staff filed a memo recommending that the Commission grant I&O's requested 120-day extension.
- (8) The Commission finds sufficient cause to grant I&O's 120-day extension request. Accordingly, I&O's request for an extension of time until June 11, 2007, to complete the Loveland Avenue, Second Street, and Kemper Road grade crossings should be granted.

It is, therefore,

ORDERED, That I&O's request for extension of time be granted and that I&O complete the projects no later than June 11, 2007. It is, further,

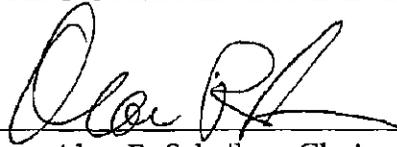
ORDERED, That I&O provide monthly status reports to the Commission and the ORDC on these projects. It is, further,

ORDERED, That I&O notify the Commission and ORDC 30 days before the projected date of completion. It is, further,

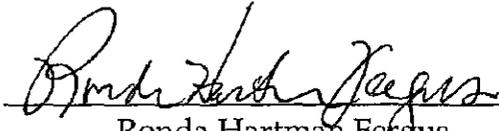
ORDERED, That, at the time staff or ORDC makes its final inspection and if it finds that the installations are completed and have been put in service, staff will file a memorandum in this docket directing the docketing division to close these cases of record. It is, further,

ORDERED, That copies of this entry be served upon the I&O and its counsel; Hamilton and Clermont County Commissions; ORDC; and all interested persons of record.

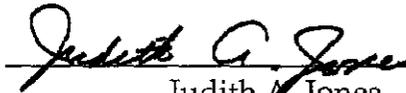
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



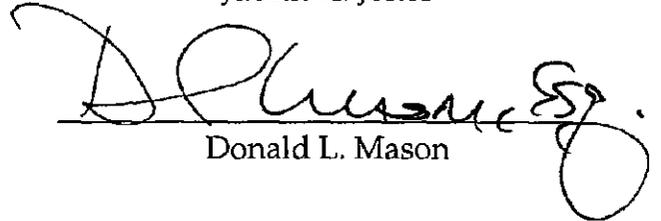
Ronda Hartman Fergus



Judith A. Jones



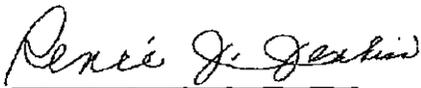
Valerie A. Lemmie



Donald L. Mason

SEF:ct

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FEB 07 2007



Renee J. Jenkins
Secretary