

FILE

FAX

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September 26, 2008

VIA FACSIMILE AND U.S. MAIL

The Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793
Fax No.: 614-466-0313

PUCO

RECEIVED-DOCKETING DIV
2008 SEP 26 PM 3:55

Re: In the Matter of the Authorization of CSX Transportation, Indiana & Ohio
Railway and Norfolk Southern Railway to Install Active Grade Crossing
Warning Devices in Five Counties
PUCO Case No. 07-1169-RR-FED
Our File No: N1432/176814

Dear Docketing Clerk:

Attached for filing is Norfolk Southern's Request for First Extension of Time.

I confirm that, via regular mail, we are forwarding to you the original document
plus seven copies.

Please call me - at (419) 241-6000 - if you have any questions or concerns.

Thank you.

Very truly yours,

EASTMAN & SMITH LTD.

D. Casey Talbott

DCT/kml
Enclosures

cc: Ms. Leah Thomas Dalton (w/enc.)
Ms. Susan Kirkland (w/enc.)
Mr. Rick Ray (w/enc.)

Columbus

Toledo

Findlay

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Docketing Division

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**Re: In the Matter of the Authorization of CSX Transportation, Indiana & Ohio
Railway and Norfolk Southern Railway to Install Active Grade Crossing
Warning Devices in Five Counties**

Mr. Robert Stanley (w/enc.)

Mr. Steve Leffel (w/enc.)

Mr. Mel McNichols (w/enc.)

Mr. Biff Konrad (w/enc.)

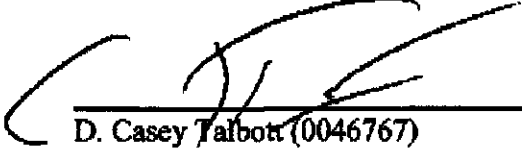
Logan County Engineer (w/enc.)

Mayor Dean Carnahan (w/enc.)

Pusheta Township Trustees (w/enc.)

Respectfully submitted,

EASTMAN & SMITH LTD.



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Attorneys for Norfolk Southern
Railway Company

MEMORANDUM IN SUPPORT

On August 13, 2008, the Ohio Rail Development Commission ("ORDC") filed a letter asking the Commission to hold in abeyance a grade crossing improvement project located at Kercher Street (524-650E) in Miamisburg, Montgomery County, Ohio.

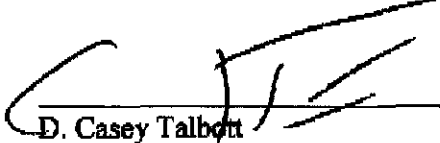
By Entry of September 9, 2008, the Commission requested that the ORDC file additional information by September 16, 2008, and then requested that other interested parties (including NS) file appropriate responses on or before September 22, 2008.

To date, NS has not had ample opportunity to consult with the interested parties toward furthering their common interest – that is, the improvement of the Miamisburg segment of the CJ Line corridor.

For the foregoing reasons, NS respectfully requests that it be granted a first extension of time through October 10, 2008 within which to file an appropriate response to the Commission's Entry of September 9, 2008.

Respectfully submitted,

EASTMAN & SMITH LTD.




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PROOF OF SERVICE

A copy of the foregoing *Request for First Extension of Time to Respond to the Commission's Entry of September 9, 2008* was mailed this 26th day of September, 2008 to: **Leah Thomas Dalton**, Deputy Chief, Transportation Department, Safety Programs Division/Rail, c/o The Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43266-0573; **Susan Kirkland**, Manager, Safety Programs, c/o Ohio Rail Development Commission, 50 West Broad Street, 15th Floor, Columbus, Ohio 43615; **Rick Ray**, Norfolk Southern Railway Company, 1200 PeachTree Street, Atlanta, Georgia 30309; **Robert Stanley**, City Engineer, 10 North First Street, Miamisburg, Ohio 45342; **Steven Leffel**, City of Troy, 100 South Market Street, P.O. Box 3003, Troy, Ohio 45373; **Mel McNichols**, CSX Transportation, J-301 500 Water Street, Jacksonville, Florida 32202; **Biff Konrad**, Indiana & Ohio Central Railway, 497 Circle Freeway Drive Suite 230, Cincinnati, Ohio 45246; Logan County Engineer, 1991 CR 13, P.O. Box 427, Bellefontaine, Ohio 43311-0427; **Mayor Dean Carnahan**, 99 North

Howard Street, Sabina, Ohio 45169; and **Pusheta Township Trustees**, 14002 Pusheta Road,
Wapakoneta, Ohio 45895.


Attorneys for Norfolk Southern
Railway Company