

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of CSX)
Transportation, Indiana & Ohio Railway)
and Norfolk Southern Railway to Install) Case No. 07-1169-RR-FED
Active Grade Crossing Warning Devices in)
Five Counties.)

ENTRY

The attorney examiner finds:

- (1) By finding and order of November 20, 2007, the Commission ordered, in part, Norfolk Southern Railroad (NS) to complete a grade crossing improvement project located at Kercher Street in Montgomery County (524-650E). The finding and order directed NS to submit site plans and cost estimates to the Commission and the Ohio Rail Development Commission (ORDC) by February 20, 2008, and to complete the project by November 20, 2008.
- (2) On August 13, 2008, ORDC filed a letter asking the Commission to hold this project in abeyance until the remainder of a railroad corridor is authorized for construction.
- (3) By entry of September 9, 2008, ORDC was directed to file by September 16, 2008, information indicating why, after this project was selected and approved for completion it waited approximately six months after NS's submittal of cost estimates for the project to request the abeyance status for this project. In addition, ORDC was directed to indicate what the time frame for the completion of the "entire corridor" and the project will be. The entry also provided that following ORDC's filing, the city of Miamisburg, as the local highway authority, NS, and the staff of the Commission should each file a response to ORDC's filing by September 22, 2008.
- (4) To date, ORDC has failed to make a filing in this docket in response to the September 9, 2008 entry.

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- (5) On September 29, 2008, NS requested an extension of time until October 10, 2008, to file a response. NS indicated that it has not had ample opportunity to consult the other parties on this project.
- (6) The examiner finds that NS should be granted until October 10, 2008, to file its response. The examiner notes that, while this entry grants NS's request for an extension of time to file a response, this entry does not extend the Commission's November 20, 2008, deadline for NS to complete this project.

It is, therefore,

ORDERED, That NS be granted until October 10, 2008, to file its response. It is, further,

ORDERED, That copies of this entry be served upon NS and its counsel, Miamisburg City Engineer, ORDC, and all other parties of record and interested persons.

THE PUBLIC UTILITIES COMMISSION OF OHIO

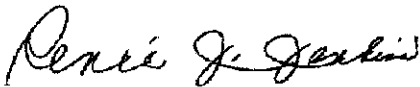


By: Scott Farkas
Attorney Examiner

JRG
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Entered in the Journal

OCT 02 2008



Renee J. Jenkins
Secretary