

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Authorization of)
CSX Transportation, Inc., to Install an) Case No. 07-374-RR-FED
Active Grade Crossing Warning)
Device in Cuyahoga County, Ohio.)

ENTRY

The Attorney Examiner finds:

- (1) On June 6, 2007, the Commission issued an entry directing CSX Transportation, Inc., (CSX) to install active grade crossing devices at Hummel Road (141-939H) in Brook Park, Cuyahoga County, Ohio, by June 6, 2008.
- (2) On May 19, 2008, CSX filed a request for an extension of time to October 15, 2008, to complete the project. On May 20, 2008, the Commission staff filed a memorandum recommending that the Commission grant CSX's request for an extension of time. By entry dated June 4, 2008, the Commission granted CSX's request for an extension of time.
- (3) On September 15, 2008, CSX filed a request for a second extension of time to January 15, 2009, to complete the project. By entry dated October 8, 2008, the Commission granted CSX's request for a second extension of time.
- (4) Subsequently, on January 8, 2009, CSX filed a request for a third extension of time, to April 15, 2009, to complete this project. CSX notes that the overhead utility lines need to be relocated before work can be completed on this project. On January 12, 2009, the Commission staff filed a memorandum recommending that the Commission grant CSX's request for a third extension of time.
- (5) Pursuant to the Commission's September 19, 1996 entry in *In the Matter of the Implementation of the 1996 Federal Crossing Protection Program*, Case No. 96-676-RR-FED, the Commission authorized the attorney examiner assigned to the case to grant extensions for up to 30 days and indicated that any request for an extension

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in excess of 30 days would be considered and decided by the Commission.

Given the circumstances surrounding this request, the attorney examiner will grant a 30-day extension of the completion deadline for this project while the Commission considers CSX's request for a 90-day extension of time.

It is, therefore,

ORDERED, That a 30 day extension of time be granted. It is, further,

ORDERED, That CSX complete construction of the project located at Hummel Road (141-939H) in Brook Park, Cuyahoga County, Ohio, by February 14, 2009. It is, further,

ORDERED, That copies of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




By: Gregory A. Price
Attorney Examiner

RRF/ct

Entered in the Journal

JAN 15 2009



Renee J. Jenkins
Secretary