

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter of the Petition of Norfolk Southern Railway Company to Close to Vehicular Traffic the Stores Road/Township Road 159 Grade Crossing (DOT No. 472543T), Located in Brown Township, Paulding County, Ohio.	:	Case No. 12-2145-RR-UNC
	:	<b><u>CONSENT REQUEST TO</u></b>
	:	<b><u>CONTINUE EVIDENTIARY</u></b>
	:	<b><u>HEARING</u></b>
	:	D. Casey Talbott (0046767) (Counsel of Record)
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	:	Attorneys for Norfolk Southern Railway Company

With the consent of Brown Township, Norfolk Southern Railway Company respectfully requests that the Commission continue the evidentiary hearing currently scheduled for 1:00 p.m. on October 30, 2013 – more specifically, that the hearing be rescheduled for Thursday, January 23, 2014, which appears convenient for the interested parties.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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**MEMORANDUM IN SUPPORT**

The parties remain engaged in constructive settlement discussions, toward determining whether a mutually-satisfactory agreement can be reached with respect to the requested closure of the Township Road 159 grade crossing. Accordingly, the interests of the parties would be best-served to continue the evidentiary hearing currently scheduled for 1:00 p.m. on October 30, 2013.

In addition to the above, Norfolk Southern's primary witness recently underwent major surgery and remains out of the office, raising some concerns with respect to whether he could adequately prepare for and/or attend the currently scheduled hearing.

For the foregoing reasons, and with the consent of the township, Norfolk Southern respectfully requests that the evidentiary hearing in this matter be continued – more specifically, that it be rescheduled for Thursday, January 23, 2014, which appears convenient for the interested parties.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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**PROOF OF SERVICE**

A copy of the foregoing *Consent Request to Continue Evidentiary Hearing* was filed with the Commission electronically this 23<sup>rd</sup> day of October, 2013. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ D. Casey Talbott

Attorney for Norfolk Southern

Railway Company

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/23/2013 12:16:00 PM**

**in**

**Case No(s). 12-2145-RR-UNC**

Summary: Request Consent Request to Continue Evidentiary Hearing electronically filed by Mr. D. Casey Talbott on behalf of Norfolk Southern Railway Company