

[illegible]

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

[illegible]

In the Matter of the Petition of Norfolk Southern Railway Company to Close the Esterly Drive – TR 174 Grade Crossing (DOT No. 502-903Y) in Fairfield Township, Columbiana County, Ohio.	:	Case No. 15-0508-RR-UNC
	:	<u>JOINT REQUEST TO DEFER SCHEDULING OF EVIDENTIARY HEARING</u>
	:	D. Casey Talbott (0046767) (Counsel of Record)
	:	EASTMAN & SMITH LTD. One SeaGate, 24 th Floor
	:	P. O. Box 10032 Toledo, Ohio 43699-0032
	:	Telephone: (419) 241-6000 Fax: (419) 247-1777
	:	Email: dctalbott@eastmansmith.com
	:	Attorneys for Petitioner Norfolk Southern Railway Company

[illegible]

The primarily-interested parties – Norfolk Southern Railway Company (“NSRC”) and Fairfield Township – jointly request that the Commission defer the scheduling of the evidentiary hearing in this matter.

A memorandum in support is attached.

/s/ D. Casey Talbott
D. Casey Talbott (0046767)
Counsel of Record
EASTMAN & SMITH LTD.
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Facsimile: (419) 247-1777
Email: dctalbott@eastmansmith.com

Attorneys for Petitioner
Norfolk Southern Railway Company

Per authority: DCT
Alan D. Wenger (0009396)
Harrington, Hoppe & Mitchell, Ltd.
26 Market Street, Suite 1200
P.O. Box 6077
Youngstown, OH 44501-6077
Telephone: (330) 744-1111
Fax: (330) 519-4044
Email: awenger@hhmlaw.com

Attorneys for Fairfield Township

MEMORANDUM IN SUPPORT

This is a Petition to close the Esterly Drive grade crossing. The area to the north of the crossing is the subject of an active annexation petition which has been scheduled for hearing in June of 2016, with an actual decision not likely until approximately September of 2016. Depending upon how this shakes out, this may impact the primarily-interested parties and, further, these parties may then revisit discussions toward reaching an amicable resolution of the instant closure petition; absent same, the parties would follow with the Commission, toward agreeing upon an appropriate course from there including, presumably, the scheduling of a mutually-convenient date for the evidentiary hearing.

For the foregoing reasons, counsel respectfully request that the Commission defer the scheduling of an evidentiary hearing in this matter, with the understanding that counsel will keep the Commission apprised as to the status of the underlying annexation.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott
D. Casey Talbott (0046767)
(Counsel of Record)
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Fax: (419) 247-1777
Email: dctalbott@eastmansmith.com

Attorneys for Petitioner
Norfolk Southern Railway Company

CERTIFICATE OF SERVICE

A copy of the foregoing **Joint Request to Defer Scheduling of Evidentiary Hearing** was filed with the Commission electronically this 10th day of May, 2016. 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

5/10/2016 9:16:48 AM

in

Case No(s). 15-0508-RR-UNC

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