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A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

/s/ D. Casey Talbott

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MEMORANDUM IN SUPPORT

By Finding and Order of December 13, 2017, the Commission authorized NSRC to install new active warning devices at the above-referenced grade crossing in Holmes County. Substantial progress has been made – specifically, from a design and engineering standpoint, the project has been progressed as far as it can be. But with respect to actual construction and cut-in, NSRC seeks a deferral of the assigned project completion deadline. The reason is that NSRC – like a number of other rail carriers throughout the country – is obligated to comply with the Positive Train Control Enforcement and Implementation Act of 2015 (“PTC”), which carries with it what appears to be a firm installation deadline of December 31, 2018, with operational implementation to be accomplished no later than December 31, 2020.

This federal mandate – unprecedented in scope, as to both capital investment and requisite manpower – has caused the affected carriers, including NSRC, to mobilize/dedicate their resources (manpower and equipment), toward complying with the federal mandate.

In light of same, NSRC respectfully requests that the project completion deadline for the involved crossing be extended for ninety (90) days, so through December 12, 2018.

Respectfully submitted,

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PROOF OF SERVICE

A copy of the foregoing **Request to Defer Construction Deadline** was filed electronically with the Commission this 29th day of August, 2018. 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.

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