

A memorandum in support is attached.

Respectfully submitted,
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MEMORANDUM IN SUPPORT

Recall that this case involves construction projects at four separate grade crossings in Dayton, Montgomery County: Irwin Street (DOT #527818F), Miami Chapel Road (DOT #524629Y), Findlay Street (DOT #527819M), and Stewart Street (DOT #524628S).

Substantial progress has been made – specifically, Irwin was placed in-service as of November 5, 2018, Miami Chapel was placed in-service on February 4, 2019, and weather permitting, Findlay is expected to be placed in-service on February 12, 2019.

But outstanding utility conflicts have delayed final construction and cut-in at the remaining crossing – specifically, Stewart.

In response to NSRC’s most recent extension request, the Commission requested that NSRC provide further information regarding any outstanding conflicts, as well as a plan and timeframe for anticipated resolution/cut-in.

By way of greater information: There are multiple remaining overhead utility conflicts (Dayton Power & Light, Spectrum/Charter, and Windstream/Crown Castle) involving shared poles. NSRC is working with the involved utilities, toward resolving same – specifically, to NSRC’s

understanding, both Spectrum/Charter and Windstream/Crown Castle intend to transfer their utilities to new poles. Related permitting concerns have been resolved, and the involved utility companies are now following toward construction which includes running a new strand and fiber across the tracks, with a requisite three week lead time. Once the utility conflicts are resolved, then NSRC anticipates that it will need an additional seven (7) weeks or thereabouts (the estimate provided to and approved by the ORDC) within which to complete construction and cut-in.

For the foregoing reasons, NSRC respectfully requests that the Commission grant it a further extension of time here, through July 11, 2019, within which to complete construction at Stewart.

NSRC has been in contact with the ORDC with respect to the above, toward resolving related concerns, including federal funding.

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PROOF OF SERVICE

A copy of the foregoing **Request to Extend Construction Deadline** was filed electronically with the Commission this 8th day of February, 2019. 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

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Summary: Request Request to Extend Construction Deadline electronically filed by Mr. D. Casey Talbott on behalf of Norfolk Southern Railway Company