

Counsel for the parties jointly request that the evidentiary hearing in this matter – currently scheduled for 10:00 a.m. on March 2, 2021 – be continued to a mutually-convenient date in mid to late-May of 2021.

A memorandum in support is attached.

Respectfully submitted,

EASTMAN & SMITH LTD.

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MEMORANDUM IN SUPPORT

Via Entry of November 6, 2020, the Commission scheduled the evidentiary hearing in this matter for March 2, 2021. Counsel have since worked well together, and diligently, in preparation for the hearing, toward discovering and streamlining the issues in dispute.

These efforts culminated in a positive development: After extended discussions, the parties have reached an agreement in principle to resolve this matter – specifically, to close the involved crossings, *voluntarily*. So of course this would obviate the need for evidentiary hearing.

The parties still have to work-through certain of the involved details – *e.g.*, to confirm an appropriate use of related ORDC funding, and to prepare and execute the related paperwork which is relatively complex. To give counsel a reasonable window of time to accomplish this, the parties jointly request that the Commission continue the scheduled evidentiary hearing, for perhaps seventy-five (75) days or thereabouts. The parties' hope/expectation is that this window should be sufficient to enable them to prepare/execute the confirmatory paperwork, and to thereby dismiss this matter from the PUCO's active docket.

For the foregoing reasons, by and through counsel, the parties respectfully request that the evidentiary hearing in this matter be continued, and rescheduled for a mutually-convenient date in or about mid to late-May of 2021, with the hope/expectation that ultimately, the hearing will not be necessary.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing **Joint Request to Continue Evidentiary Hearing** was filed electronically with the Commission this 18th day of February, 2021. 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 Co-Petitioner

Norfolk Southern Railway Company

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