

Before the  
SURFACE TRANSPORTATION BOARD

---



FINANCE DOCKET NO: 34869

HONEY CREEK RAILROAD, INC.  
PETITION FOR DECLARATORY ORDER

---

UNOPPOSED REQUEST TO EXTEND DATE OF ROBERTS' REPLY

218320

ENTERED  
Office of Proceedings

DEC 21 2006

Part of  
Public Record

Kathleen C. Kauffman  
ACKERSON KAUFFMAN FEX, PC  
1250 H Street, NW  
Suite 850  
Washington, DC 20005  
DC Bar # 323212  
Tel: (202) 833-8833  
Fax: (202) 833-8831  
Attorney for Gary L. Roberts,  
Roberts Pipeline Construction  
Company, Inc., Roberts  
Construction, Inc.

Dated: December 21, 2006

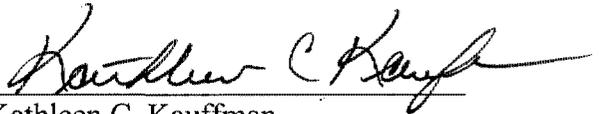
## CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of December, 2006 served a copy of the Unopposed Request to Extend Date of Roberts' Reply upon the following via facsimile and first class United States Mail, postage prepaid:

Richard R. Wilson, Esq.  
Pa. I.D. #25661  
127 Lexington Avenue, Suite 100  
Altoona, PA 16601

William B. Keaton, Esq.  
KEATON AND KEATON, P.C.  
126 West Second Street  
Rushville, IN 46173

John H. Brooke, Esq.  
Brooke-Mawhorr Attorneys at Law  
P.O. Box  
112 E. Gilbert Street  
Muncie, IN 47308-1071

  
Kathleen C. Kauffman  
Attorney for Gary L. Roberts,  
Roberts Pipeline Construction  
Company, Inc.,  
Roberts Construction, Inc.

Before the  
SURFACE TRANSPORTATION BOARD

---

FINANCE DOCKET NO: 34869

HONEY CREEK RAILROAD, INC.  
PETITION FOR DECLARATORY ORDER

---

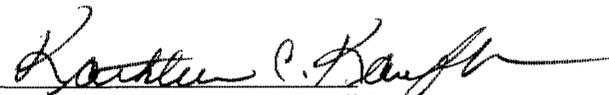
**UNOPPOSED REQUEST TO EXTEND DATE OF ROBERTS' REPLY**

---

Pursuant to the Board's November 17, 2006 order, Roberts received an extension of time in which to file his reply to the Petition for Declaratory Order of Honey Creek Railroad, Inc. That reply is currently due on January 18, 2007. The parties are involved in ongoing settlement discussions and discovery. In addition, the attorney who was primarily responsible for conducting discovery on behalf of Roberts has had to withdraw from representation as a result of a serious family illness. Therefore, Roberts requests, and Honey Creek Railroad, Inc. does not oppose, a two-month extension of the date for Roberts' reply brief to March 19, 2007. The requested extension will permit the accomplishment of the remaining discovery efforts and the conclusion of settlement discussions.

Dated December 21, 2006

Respectfully submitted,  
ACKERSON KAUFFMAN FEX, PC

By: 

Kathleen C. Kauffman (DC Bar # 323212)  
ACKERSON KAUFFMAN FEX, PC  
1250 H Street, NW  
Suite 850  
Washington, D.C. 20006  
(202) 833-8833  
(202) 833-8831 (facsimile)  
[kauffman@ackersonlaw.com](mailto:kauffman@ackersonlaw.com)

John H. Brooke  
Rebecca Hartley  
BROOKE-MAWHORR ATTORNEYS AT LAW  
P.O. Box 1071  
112 E. Gilbert Street  
Muncie, IN 47308-1071  
Tel: (765) 741-1375  
Fax: (765) 288-7763  
*Counsel for Gary L. Roberts,  
Roberts Pipeline Construction Company, Inc.,  
and Roberts Construction, Inc.*