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SERVICE DATE – LATE RELEASE JANUARY 4, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35583

EASTERN ALABAMA RAILWAY LLC—PETITION FOR DECLARATORY ORDER

Decided: January 4, 2012

On December 16, 2011, Eastern Alabama Railway LLC (EARY) filed a petition for an order declaring that the proposed condemnation of certain property of EARY by the Utilities Board of the City of Sylacauga (Utilities Board) is preempted by federal law under 49 U.S.C. § 10501. Under 49 C.F.R. § 1104.13(a), replies are due January 5, 2012. On December 30, 2011, the Utilities Board filed a request for an extension of time to submit a reply until January 19, 2012. The Utilities Board notes that it has consulted with EARY counsel, who has consented to the extension of time.

Good cause exists to grant the extension request in this case. Accordingly, Utilities Board's reply will be due no later than January 19, 2012.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The Utilities Board's request for an extension of time is granted.
2. The Utilities Board's reply is due by January 19, 2012.
3. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.