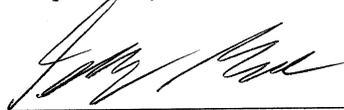


EXPEDITED CONSIDERATION REQUESTED

On November 10, 2008, DuPont filed a stand-alone cost rate complaint against CSXT in Docket No. 42112 that encompasses 99 movements of 38 commodities. That case is currently in mediation and the mediation period has been extended at the request of the parties. The next mediation meeting between the parties is scheduled for February 17, 2009, which is the same date the Board has set for filing briefs in these proceedings. In addition, the scope of this mediation has the potential to encompass the broad business relationship between DuPont and CSXT, which could include the movements at issue in these proceedings.

Because the parties and their counsel are fully engaged in the mediation process in Docket No. 42112, they jointly ask the Board to defer the procedural schedule in Docket Nos. 42099, 42100 and 42101 for 45 days. This will permit the parties to focus their efforts upon mediating this much larger dispute between them.

Respectfully submitted,



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