

**EXPEDITED CONSIDERATION REQUESTED**

224887

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

224888

224889

|                                    |              |   |
|------------------------------------|--------------|---|
| _____                              |              | ) |
| E.I. DUPONT DE NEMOURS AND COMPANY |              | ) |
|                                    | Complainant, | ) |
|                                    |              | ) |
|                                    | v.           | ) |
| CSX TRANSPORTATION, INC.           |              | ) |
|                                    | Defendant.   | ) |
| _____                              |              | ) |

Docket Nos. NOR 42099, 42100  
and 42101

**JOINT MOTION TO STAY PROCEDURAL SCHEDULE**

Complainant, E.I. du Pont de Nemours and Company ("DuPont") and defendant, CSX Transportation, Inc. ("CSXT"), hereby jointly request that the Board stay the procedural schedule that it adopted in the above-captioned proceedings by decision served on March 27, 2009. **The parties request expedited consideration of this Motion due to the very short time period before briefs are due under the procedural schedule.**

On its own motion, in a decision served on November 21, 2008, the Board reopened these proceedings, to address the effect of a change to the Revenue Shortfall Allocation Method ("RSAM"). The Board did not adopt a procedural schedule in that decision because it still needed to conclude a separate proceeding to obtain information to properly calculate the effect of state taxes upon the RSAM. In the January 27, 2009 decision, however, the Board, upon reconsideration, determined that it is not necessary to delay these proceedings, and issued a procedural schedule that called for the simultaneous filing of briefs on February 17, 2009 and reply briefs on March 9, 2009.

**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 ("the SAC case"). That SAC case is currently in mediation, and because the parties have made sufficient progress in that mediation towards a final agreement, on April 9, 2009 they filed a "Joint Stipulation To Stay Proceeding". Because the parties' focus remains on attempting to reach a final agreement in connection with the Docket No. 42112 proceedings, and because they intend to turn their attention to the movements in these small case proceedings once an agreement has been finalized in the SAC case, DuPont and CSXT ask the Board to also stay the procedural schedule in these cases.

Respectfully submitted,



Nicholas J. DiMichael  
Jeffrey O. Moreno  
Thompson Hine LLP  
1920 N Street, N.W., Suite 800  
Washington, D.C. 20036  
(202) 331-8800



G. Paul Moates  
Paul A. Hemmersbaugh  
Sidley Austin LLP  
1501 K Street, NW  
Washington, D.C. 20005  
(202) 736-8175

April 14, 2009