

# CNJ Rail Corporation

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April 22, 2009

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20423-000 1

Re: Consolidated Rail Corporation - Abandonment Exemption - In Hudson County, NJ  
Docket # AB 167 (Sub 1190) X

Dear Acting Secretary Quinlan:

On April 2, 2009, Conrail, in the above captioned proceeding, filed yet another request for the Board to terminate the OFA process which has begun in that proceeding. Reply's to Conrail's motion are due today. This afternoon, the undersigned received via FedEx his copy of a pleading filed by the City of Jersey City NJ, Dates April, 21<sup>st</sup>, 2009 in another Conrail Abandonment proceeding currently before the Board (See AB 167 1189). **Included in the City's pleading was a verified statement from the Mayor of Jersey City.**

In the mayor's verified statement, he talks not only about the Pleading to which his statement was addressing (Docket AB 167 1189), but he also speaks directly to items material germane to the above captioned proceeding(AB 167 1190).

Since this is the first time public officials have spoken directly to issues involved in AB 167 1190, and because they are directly related to information the Director of Proceedings asked any OFA offeror to address in an actually OFA, and because these statements could material impact a Board decision in this case, CNJ would like to address the mayor's comments in the reply that is due today. Since this pleading was served on us this afternoon, CNJ has no way of making changes to its reply in sufficient time to address the issues raised by the city. Therefore CNJ respectfully requests a 48 hour extension in which to file its reply to Conrail's motion.

Therefore, CNJ respectfully asks the Board to grant a 48 hour extension of time for filing replies to Conrail's April 2 motion until April 24<sup>th</sup>, 2009.

Should you have any further questions, please feel free to call me at the phone number provided herein.

Thank you for your assistance.

Submitted on behalf of CNJ Rail Corporation

Sincerely,

*Eric S. Strohmeyer* /s/

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CC: John K. Enright, Esq. - Consolidated Rail Corporation