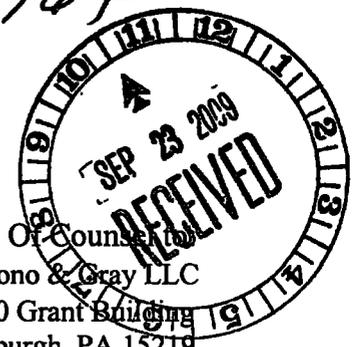


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September 22, 2009

The Honorable Anne Quinlan, Acting Secretary
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

SENT VIA FEDERAL EXPRESS

Re: Allegheny Valley Railroad Company – Petition for Declaratory Order
STB Finance Docket No. 35239

Dear Acting Secretary Quinlan:

Enclosed for filing please find an original and ten copies of Allegheny Valley Railroad Company's Petition for Extension of Filing Date from October 2, 2009 to October 9, 2009. Copies of this Petition have been served on all parties of record.

Please time stamp the copy of this letter as proof of filing and return it to the undersigned in the prepaid, self addressed stamped envelope provided. If there are any questions regarding this Petition, please contact the undersigned.

Very truly yours,

RICHARD R. WILSON, P.C.

Richard R. Wilson, Esq.
Attorney for Allegheny Valley Railroad Company

RRW/bab
Enclosure

xc: Allegheny Valley Railroad Company
Peter Denton, Esq.

Before the
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO: 35239

ALLEGHENY VALLEY RAILROAD COMPANY-
PETITION FOR DECLARATORY ORDER

PETITION FOR EXTENTION OF FILING DATE



ENTERED
Office of Proceedings
SEP 23 2009
Part of
Public Record

RICHARD R. WILSON, ESQ.
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Dated: September 22, 2009

Before the
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO: 35239

ALLEGHENY VALLEY RAILROAD COMPANY-
PETITION FOR DECLARATORY ORDER

PETITION FOR EXTENSION OF FILING DATE

On September 17, 2009, the Board issued an Order in this proceeding requesting that the parties address whether the recent decision by the U.S. Court of Appeals for the District of Columbia Circuit in Consolidated Rail Corporation v. STB, 571 F3d. 13 (D.C. Cir. 2009) affects the Board's jurisdiction to resolve this dispute. The Board further directed that the parties file a response to this request with the Board by October 2, 2009.

During the last week in September, counsel for Allegheny Valley Railroad Company ("AVRR") has a client scheduling conflict which will preclude timely preparation and filing of the AVRR response on or before October 2, 2009. Accordingly, with the concurrence of opposing counsel, AVRR respectfully requests that the October 2, 2009 filing date be extended to October 9, 2009. This short extension will afford the undersigned counsel sufficient time to prepare and file the response requested by the

Board and will not prejudice either party nor unduly delay this proceeding.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 
Richard R. Wilson, Esq.
Attorney for Allegheny Valley Railroad
Company

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CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of September 2009 served a copy of Allegheny Valley Railroad Company's Petition for Extension upon the following by first class United States Mail, postage prepaid:

Peter W. Denton, Esq.
K&L Gates, LLP
1601 K Street, NW
Washington, DC 20006-1600


Richard R. Wilson, Esq.
Attorney for Allegheny Valley
Railroad Company