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Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423-0001

Re: Finance Docket No. 34540, The Columbus & Ohio River Rail Road Company – Acquisition and Operation Exemption – Rail Lines of CSX Transportation, Inc. from Columbus to Newark, Ohio and from Mt. Vernon to Cambridge, Ohio

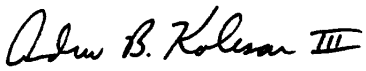
Dear Secretary Williams:

On November 16, 2004, the United Transportation Union ("UTU") filed a Motion to Compel The Columbus & Ohio River Rail Road Company ("CUOH") to produce documents in response to UTU's October 21, 2004 discovery requests. CUOH filed its Reply in opposition to UTU's Motion on December 6, 2004. UTU's Motion remains pending before the Board.

On January 27, 2005, however, the UTU filed what it has labeled a "Renewed" Motion to Compel. UTU's filing constitutes a blatant violation of the Board's procedural rules against filing replies to replies. See 49 C.F.R. § 1104.13(c) ("A reply to a reply is not permitted."). The Board therefore should disregard UTU's

Renewed Motion, which in any event, fails to add any new and legitimate arguments to UTU's prior Motion.

Respectfully submitted,



Andrew B. Kolesar III
An Attorney for The Columbus & Ohio
River Rail Road Company

cc: Parties of Record