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ENTERED
Office of Proceedings

JAN 16 2007

Part of
Public Record

January 9, 2007



Hon. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K. Street, N.W.
Washington, DC 20423-0001

Re: AB-865-0-X; Honey Creek Railroad, Inc. – Abandonment Exemption in Henry
County, Indiana

218472
Dear Secretary Williams:

By decision of August 15, 2006, in the above captioned proceeding the Surface
Transportation Board extended the due date for filing a Notice of Abandonment Consummation
until February 11, 2007.

As the Board is aware, the Circuit Court of Henry County, Indiana has referred to the
Board certain questions within the Board's jurisdiction which have been docketed in STB
Finance Docket No. 34869, Honey Creek Railroad, Inc. – Petition for Declaratory Order. Those
matters are currently pending before the Board and the parties are engaged in discovery
proceedings. Upon completion of discovery, the Respondent is required under the Board's
procedural schedule to file a reply to Honey Creek Railroad's Petition for Declaratory Order to
which Honey Creek Railroad may thereafter reply. Upon closing the record, this matter will be
submitted to the Board for decision.

Since it is not possible at this time to determine when the declaratory order proceeding
pending before the Board will be finally decided and referred back to the Circuit Court of Henry
County, Indiana, Petitioner respectfully requests that the Board indefinitely extend the filing date
for the Notice of Consummation in AB-865 so as to maintain the status quo in the abandonment
proceeding pending resolution of the issues presented in STB Finance Docket No. 34869. Until
such time as the Board has issued a decision in Docket No. 34869 and referred its findings back
to the Circuit Court of Henry County, granting an indefinite extension of the filing of a Notice of
Consummation will avoid the necessity of further periodic requests for such extensions and will
ensure that Honey Creek Railroad retains an effective abandonment authorization until the

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proceedings in Finance Docket 34869 have been concluded.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, reading "Richard R. Wilson", followed by a horizontal line extending to the right.

Richard R. Wilson, Esq.
Attorney for Honey Creek Railroad, Inc.

RRW/bab

xc: STB - Office of Proceedings
Honey Creek Railroad
Kathleen C. Kauffman, Esq.
John H. Brooke, Esq.
William B. Keaton, Esq.