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December 30, 2009

## **VIA ELECTRONIC FILING**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: **Finance Docket No. 35110**  
**Florida Department of Transportation -- Acquisition**  
**Exemption -- Certain Assets of CSX Transportation, Inc.**

Dear Chief Brown:

On April 3, 2009, Florida Department of Transportation ("FDOT") filed a Verified Notice of Exemption and an accompanying Motion to Dismiss in the above-captioned proceeding. By decisions served May 14, 2009, June 19, 2009 and August 7, 2009, the Board held this proceeding in abeyance at FDOT's request. FDOT respectfully requests that the Board continue to hold this proceeding in abeyance for an additional 90 days, until March 31, 2010. Recent developments should allow consideration of this matter to resume at or before that time.

FDOT's previous abeyance requests arose from the fact that enabling legislation for the proposed transaction which is the subject of this proceeding had not been enacted by the Florida state legislature. Such legislation, however, was passed by the Florida legislature on December 8, 2009 and was signed into law by Governor Crist on December 16, 2009. To implement the legislation, FDOT and CSX Transportation, Inc. ("CSXT") will need to enter into certain amendments to the agreements that were submitted as attachments to and in support of FDOT's motion to dismiss. FDOT does not anticipate that any of the amendments will relate to or affect the criteria of Maine DOT -- Acq. Exempt. -- Maine Central R. Co., 8 I.C.C.2d 835 (1991) which will govern disposition of FDOT's motion to dismiss. FDOT nonetheless intends to submit the amended agreements to the Board, after which Board consideration of this matter can resume.

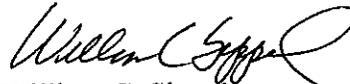
In addition, funding agreements with local governmental entities, without which the proposed transaction could not proceed, must be updated. FDOT will endeavor to process those updates, and to complete and submit the contemplated amendments to the FDOT-CSXT agreements, as soon as possible within the 90-day extension sought herein.

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A brief further abeyance of this proceeding should not prejudice any party, and will preserve the extensive record already submitted. FDOT will advise the Board of the status of this matter by no later than March 31, 2010, if not before.

Respectfully submitted,



William C. Sippel  
Attorney for Florida Department of Transportation

WCS:tjl

cc: Richard S. Edelman, Esq.