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January 26, 2011

Ms. Rachel Campbell
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

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

Dear Ms. Campbell:

Based on new evidence obtained by the Buncher Company, the U.S. Court of Appeals for the District of Columbia Circuit, has today, remanded this proceeding to the Board for further consideration. In an affidavit filed with the Court, The Buncher Company states that it obtained this new evidence from Norfolk Southern Corporation. Despite several informal requests by the undersigned to counsel for The Buncher Company, The Buncher Company has yet to advise Allegheny Valley Railroad Company (“AVRR”) of the custodial individuals at Norfolk Southern from whom The Buncher Company obtained the new evidence. As a consequence, it has been necessary for AVRR to seek this information through a First Set of Interrogatories and Document Production Request served on The Buncher Company on January 26, 2011. In addition, AVRR has requested assistance from Ms. Nancy Beiter, Chief Records Officer for the Board in obtaining copies of any documents retained by the Board in connection with the four ICC Abandonment Applications filed by Conrail in 1984 for its Pittsburgh Strip District rail facilities.

Upon receipt of the information sought from The Buncher Company regarding the Conrail abandonment files obtained from Norfolk Southern, AVRR will request that Norfolk Southern make those files available for review and confirmation of the exhibits submitted by the

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Buncher Company. AVRR will also request that Norfolk Southern produce any other documents in its possession that may provide further clarification of the four Conrail abandonment filings pertinent to this proceeding.

Given the complicated factual issues presented in this proceeding and The Buncher Company's new evidence, it behooves both parties to conduct a thorough review of whatever documentary evidence remains extant with respect to the 1984 Conrail abandonment proceedings at issue in this case.

Accordingly, AVRR respectfully requests that prior to establishing a procedural schedule for the remanded proceeding, the Board's Office of Proceedings consult with the parties and afford a sufficient period of time for the discovery efforts outlined above so that the Board will have as complete a factual record as possible for its reconsideration of this matter.

Thank you for your consideration of this request.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in black ink, appearing to read "Richard R. Wilson", with a long horizontal line extending to the right.

Richard R. Wilson, Esq.

Attorney for Allegheny Valley Railroad Company

RRW/bab

xc: Allegheny Valley Railroad Company
Ms. Nancy Beiter
Peter Denton, Esq.