

INDIANA SOUTHWESTERN RAILWAY CO.
1318 S. JOHANSON ROAD
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October 22, 2004

Hon. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

RE: Ohio Valley Railroad Company – Petition for Expedited Relief
FD No. 34486

Dear Secretary Williams:

Indiana Southwestern Railway Co. (“ISW”) is in receipt of a Petition for Expedited Relief for Service Emergencies Pursuant to 49 CFR §§1146 and 1147. Please be advised that ISW intends to file a full response to this false, misleading, and frivolous Petition, as soon as possible. There is, however, no service emergency. Ohio Valley is not now conducting, nor has it ever conducted, any rail operations. This Petition was filed for the improper purpose of forcing trackage rights over ISW to CSX, which rights Ohio Valley is not entitled to and knows ISW will not grant. Further, Ohio Valley has no interchange agreements with ISW, CSX, or any other railroad, and I have been advised that CSX has no desire to enter into any such interchange agreement.

Finally, ISW intends to ask the Board to reconsider its decision to grant Ohio Valley common carrier authority.

Sincerely yours,



Daniel A. LaKemper,
General Counsel

cc: All Parties