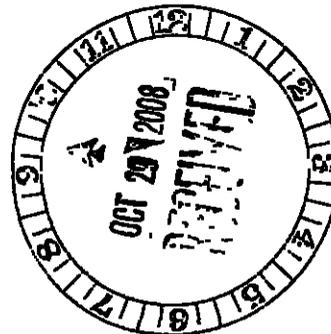


223861

Before the
SURFACE TRANSPORTATION BOARD



DOCKET NO: 33994

SUMMIT VIEW, INC. – INTRACORPORATE FAMILY EXEMPTION- MERGER OF
PITTSBURGH INDUSTRIAL RAILROAD, INC. INTO THE PITTSBURGH & OHIO
RIVER RAILROAD COMPANY

PETITION FOR CORRECTED EXEMPTION NOTICE

ENTERED
Office of Proceedings

OCT 20 2008

Part of
Public Record

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October 21, 2008

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO: 33994

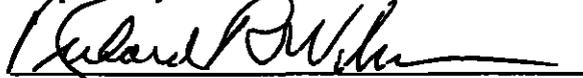
SUMMIT VIEW, INC. – INTRACORPORATE FAMILY EXEMPTION- MERGER OF
PITTSBURGH INDUSTRIAL RAILROAD, INC. INTO THE PITTSBURGH & OHIO
RIVER RAILROAD COMPANY

PETITION FOR CORRECTED EXEMPTION NOTICE

On February 21, 2001, the STB issued an Exemption Notice in the above captioned proceeding authorizing the merger of the Pittsburgh Industrial Railroad, Inc. into the Pittsburgh & Ohio River Railroad Company (Exhibit A) However, as indicated by the corporate merger documents filed with the Ohio Department of State, the Pittsburgh Industrial Railroad, Inc was merged into the Pittsburgh & Ohio Central Railroad Company (Exhibit B) The incorrect designation of the Pittsburgh & Ohio River Railroad Company as the surviving corporation in the February 21, 2001 STB Exemption Notice appears to have occurred in the initial filings for the exemption as a result of the inadvertent conflation of Pittsburgh and Ohio Central Railroad Company with the Columbus & Ohio River Railroad Company another affiliated corporation of the Ohio Central Railroad System.

Accordingly, Pittsburgh & Ohio Central Railroad Company requests that the Board issue a corrected exemption notice *nunc pro tunc* indicating that the proper corporate name for the surviving corporation in STB Finance Docket No 33994 is Pittsburgh & Ohio Central Railroad Company.

Respectfully submitted,



Richard R. Wilson, Esq.
Attorney for Pittsburgh & Ohio Central
Railroad Company

31619

SERVICE DATE - FEBRUARY 21, 2001

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33994]

Summit View, Inc –Intracorporate Family Exemption–Merger of Pittsburgh Industrial Railroad, Inc. Into The Pittsburgh & Ohio River Railroad Company

Summit View, Inc. (Summit), a noncarrier holding company, and its wholly owned subsidiaries Pittsburgh Industrial Railroad, Inc. (PIRR),¹ a Delaware Corporation, and The Pittsburgh & Ohio River Railroad Company (POHC), have filed a notice of exemption to merge PIRR into POHC, with POHC as the surviving corporation. POHC will acquire the assets and assume all liabilities and obligations of PIRR.²

The transaction was expected to be consummated on or shortly after January 31, 2001. The notice indicates that Summit, POHC, and all other carrier subsidiaries of Summit are organized and incorporated under the laws of the State of Ohio. Thus, the transaction will simplify Summit's tax compliance and will reduce administrative costs by eliminating the need to maintain corporate and legal representation in the State of Delaware.

¹ See Summit View, Inc.–Acquisition of Control Exemption–Pittsburgh Industrial Railroad, Inc., STB Finance Docket No. 33978 (STB served Jan 11, 2001).

² POHC is a non-operating railroad corporation formed under the laws of the State of Ohio. Once PIRR is merged into POHC, PIRR's separate corporate existence will cease.

Exhibit A

The transaction involves the merger of companies within Summit's corporate family. The merger will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers operating outside the corporate family, the transaction qualifies for the class exemption at 49 CFR 1180.2(d)(3).

As a condition to the use of this exemption, any employees adversely affected by the transaction will be protected by the conditions set forth in New York Dock Ry -- Control--Brooklyn Eastern Dist., 360 I.C.C. 60, 84-90 (1979).

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No 33994, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV"

Decided: February 13, 2001

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
02/20/2001	200105101148	MERGER/DOMESTIC (MER)	50 00	10 00	00	00	00

Receipt

This is not a bill Please do not remit payment

STEPHENSON, STEPHENSON & CARROTHERS
 JAMES M CARROTHERS, ESQ
 P O BOX 982
 NEW PHILADELPHIA, OH 44663

STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

983722

It is hereby certified that the Secretary of State of Ohio has custody of the business records for
THE PITTSBURGH & OHIO CENTRAL RAILROAD COMPANY
 and, that: said business records show the filing and recording of

Document(s)
MERGER/DOMESTIC

Document No(s)
200105101148



United States of America
 State of Ohio
 Office of the Secretary of State

Witness my hand and the seal of
 the Secretary of State at Columbus,
 Ohio this 9th day of February, A D
 2001

J. Kenneth Blackwell
 Ohio Secretary of State

J. Kenneth Blackwell

Secretary of State

- Foreign (Non-Ohio) partnership having limited liability organized under the laws of the state/country of _____ and registered to do business in the state of Ohio under registration number _____
- Foreign (Non-Ohio) non-profit incorporation under the laws of the state/country of _____ and licensed to transact business in the state of Ohio under license number _____
- Foreign (Non-Ohio) non-profit incorporation under the laws of the state/country of _____ and not licensed to transact business in the state of Ohio.

II. MERGING ENTITY

The name, charter/license/registration number, type of entity, state/country of incorporation or organization, respectively, of which is a party to the merger are as follows: (If this is insufficient space to reflect all merging entities, please attach a separate sheet listing the merging entities)

Name	State/Country of Organization	Type of Entity
Pittsburgh Industrial Railroad, Inc. 2450429 8100	Delaware	Corporation

III. MERGER AGREEMENT ON FILE

The name and mailing address of the person or entity from whom/which eligible persons may obtain a copy of the agreement of merger upon written request.

The Pittsburgh & Ohio Central Railroad Company 136 South Fifth Street
(name) (street and number)
 Coshocton OH 43812
(city, village or township) (state) (zip code)

IV. EFFECTIVE DATE OF MERGER

This merger is to be effective on 02/09/01 (if a date is specified, the date must be a date on or after the date of filing, the effective date of the merger cannot be earlier than the date of filing, if no date is specified, the date of filing will be the effective date of the merger)

V. MERGER AUTHORIZED

The laws of the state or country under which each constituent entity exists, permits this merger. This merger was adopted, approved and authorized by each of the constituent entities in compliance with the laws of the state under which it is organized, and the persons signing this certificate on behalf of each of the constituent entities are duly authorized to do so.

VI. STATUTORY AGENT

The name and address of the surviving entity's statutory agent upon whom any process, notice or demand may be served is
 William A. Strawn II 136 South Fifth Street
(name) (street and number)
 Coshocton, Ohio 43812
(city, village or township) (zip code)

(This item MUST be completed if the surviving entity is a foreign entity which is not licensed, registered or otherwise authorized to conduct business in the state of Ohio)

VII. ACCEPTANCE OF AGENT

The undersigned, named herein as the statutory agent for the above referenced surviving entity, hereby acknowledges and accepts the appointment of statutory agent for said entity.

J. Kenneth Blackwell

Secretary of State

Signature of Agent



(The acceptance of agent must be completed by domestic surviving entities if through this merger the statutory agent for the surviving entity has changed, or the named agent differs in any way from the name currently on record with the Secretary of State.)

VII. STATEMENT OF MERGER

Upon filing, or upon such later date as specified herein, the merging entity/entities listed herein shall merge into the listed surviving entity

IX. AMENDMENTS

The articles of incorporation, articles of organization, certificate of limited partnership or registration of partnership having limited liability (circle appropriate term) of the surviving domestic entity have been amended. Please see attached "Exhibit A" (Please note, if there will be no change please state "no change") **No Change.**

X. QUALIFICATION OR LICENSURE OF FOREIGN SURVIVING ENTITY

A. The listed surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability desires to transact business in Ohio as a foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability, and hereby appoints the following as its statutory agent upon whom process, notice or demand against the entity may be served in the state of Ohio. The name and complete address of the statutory agent is:

_____	_____
(name)	(street and number)
_____	_____
(city, village or township)	(zip code)

The subject surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability irrevocably consents to service of process on the statutory agent listed above as long as the authority of the agent continues, and to service of process upon the Secretary of State of Ohio if the agent cannot be found, if the corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability fails to designate another agent when required to do so, or if the foreign corporation's, bank's, savings bank's, savings and loan's, limited liability company's, limited partnership's, or partnership having limited liability's license or registration to do business in Ohio expires or is canceled.

B. The qualifying entity also states as follows (Complete only if applicable)

- 1. Foreign Notice Under Section 1703.031
(If the qualifying entity is a foreign bank, savings bank, or savings and loan, then the following information must be completed)
 - (a.) The name of the Foreign Nationality/Federally chartered bank, savings bank, or savings and loan association is _____
 - (b.) The name(s) of any Trade Name(s) under which the corporation will conduct business. _____
 - (c.) The location of the main office (non-Ohio) shall be _____

 (street address)

 (city, township, or village) (county) (state) (zip code)

