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June 24, 2014 236221
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ENTERED

Office of Proceedings

June 24, 2014

Part of

Public Record

Surface Transportation Board
395 E Street, SW
Washington DC 20423

Re: (1) U S Rail Corporation–Brookhaven Rail Terminal,
STB F.D. No. 35141

(2) Brookhaven Rail Terminal and Brookhaven Rail, LLC,
STB F.D. No. 35819

Dear Board:

We are attorneys for the Town of Brookhaven (“Town”). We have filed today in the second entitled proceeding (FD 35819) an opposition to Brookhaven Rail Terminal’s request to close the record and in support of the Town’s application to supplement the record (“Opposition and Supplement”). The Opposition and Supplement contains four exhibits. By this letter, we request that the Board consider those four exhibits, and the Opposition and Supplement, in connection with the first entitled proceeding as well (FD 35141). Those exhibits are:

Appendix A – A Preliminary Injunction Decision and Order against Respondents;

Appendix B - Cease and Desist Letters of Long Island Power Authority (LIPA)/PSE&G against Respondents;

Appendix C - Declaration of LIPA/PSE&G Survey Manager, Roy D. Hunt, L.S., and attachments).

Appendix D – Long Island Rail Road’s cease and desist notice against Respondents.

For the same reasons set forth in the Opposition and Supplement, all of these exhibits are directly relevant to the Town’s application to re-open herein.

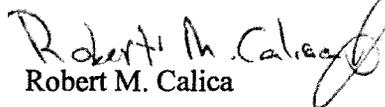
We appreciate the Board’s consideration and attention to these matters.

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Respectfully,

ROSENBERG CALICA & BIRNEY LLP


Robert M. Calica

cc: Service as per attached Certificate of Service

CERTIFICATE OF SERVICE

I, JUDAH SERFATY, hereby certify that on the 24th day of June, 2014, I caused to be served the within **LETTER AND TOWN OF BROOKHAVEN'S OPPOSITION TO BROOKHAVEN RAIL TERMINAL'S APPLICATION TO CLOSE THE RECORD AND IN SUPPORT OF THE TOWN'S APPLICATION TO UPDATE THE RECORD STRIKE** upon the attorneys/parties by E-mailing same to their email addresses:

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Dated: June 24, 2014



JUDAH SERFATY