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September 9, 2015

239175

Cynthia Brown  
Chief, Section of Administration  
Office of Proceedings  
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395 E Street, S.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings  
September 9, 2015  
Part of  
Public Record

**Re: *Oakland Global Rail Enterprise, LLC – Operating Exemption – Line of Railroad Owned by the City of Oakland, California, Finance Docket No. 35953***

Dear Ms. Brown:

As you may recall, we represent the Oakland Global Rail Enterprise, LLC (“OGRE”), which initially filed a Verified Notice of Exemption in the above-referenced proceeding on August 12, 2015. That Notice of Exemption reflected the intention of OGRE to operate over certain rail tracks that either already exist or are being constructed and that are owned by the City of Oakland and the Port of Oakland. This trackage is part of major redevelopment of the former Oakland Army base that is being referred to as the Gateway Industrial District.

Although OGRE was under the impression when it initially filed the Notice of Exemption that both the City of Oakland and the Port of Oakland wanted the company to obtain formal status as a common carrier by railroad prior to the execution of the final lease and operating agreements pertaining to those prospective operations, that turned out not to be the case. Instead, the Port of Oakland advised that it did not want OGRE to include the Port track in the Exemption process under 49 C.F.R. § 1150.31 until the necessary agreements were finalized. In deference to the Port’s view, on August 26, 2015, OGRE filed an Amended Notice of Exemption, which was supplemented by its letter of August 27, that deleted OGRE’s seeking the right to operate as a common carrier over the Port of Oakland’s track.



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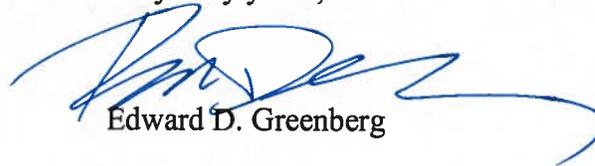
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Based on the Port's letter of September 3, 2015, it appears that OGRE may have misunderstood the extent of the Port's concern. That letter indicates that the Port still prefers that all agreements that are necessary pertaining to OGRE's operations need be finalized before going forward and accordingly requests a "housekeeping stay" of the Notice of Exemption.

Rather than just stay the Notice of Exemption as currently filed, and to avoid further misunderstandings, OGRE respectfully requests that the Board permit it to withdraw the Notice of Exemption at this time without prejudice to being able re-file this if and when all necessary agreements have been finalized. We apologize for the confusion that this has caused all parties and appreciate the Board's cooperation and assistance in this matter.

Very truly yours,



Edward D. Greenberg

cc: All Parties of Record