

# CLARK HILL

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Eric M. Hocky  
T 215.640.8523  
F 215.640.8501  
Email: ehocky@clarkhill.com

239825

ENTERED  
Office of Proceedings  
January 4, 2016  
Part of  
Public Record

Clark Hill PLC  
One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103  
T 215.640.8500  
F 215.640.8501  
clarkhill.com

January 4, 2016

## VIA E-FILING

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

Re: V and S Railway, LLC - Discontinuance Exemption -  
In Pueblo, Crowley, Kiowa and Otero Counties, CO  
STB Docket No. AB 603 (Sub-No. 4X)

Dear Ms. Brown:

On November 30, 2016, V and S Railway, LLC ("V&S") filed an Amended Verified Notice of Exemption (the "Amended Notice"). In paragraph 15 of the Amended Notice, V&S indicated that information regarding the amended notice had been published in three local newspapers of general circulation, and that the proofs of publication would be filed with the Board when received. V&S has not received the final proof of publication, and encloses herewith the three proofs to supplement the Amended Notice.

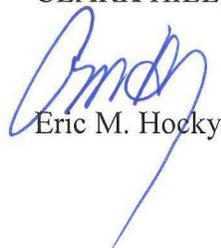
V&S is serving a copy of this letter and the enclosures on all persons that were served with a copy of the Amended Notice.

January 4, 2016  
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Please let me know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e

cc: All parties on the attached service list

Thomas W. Wilcox  
CKG Law, PC  
The Foundry Building, Suite 500  
1055 Thomas Jefferson Street, NW  
Washington, DC 20007

Board of County Commissioners  
Otero County  
Otero County Courthouse  
13 West 3<sup>rd</sup> Street, Room 212  
La Junta, CO 81050

US Department of the Army  
Military Surface Deployment & Distribution  
Command Transportation Engineering Agency  
Attn: SDTE-SA (Railroads for Nat'l Defense)  
1 Soldier Way (Building 1900W)  
Scott AFB, IL 62225

US Department of the Interior  
National Park Service  
RTCA Program  
1849 C Street NW (Org Code 2240)  
Washington, DC 20240

Board of County Commissioners  
215 West 10<sup>th</sup> Street  
Pueblo, CO 81005

Kiowa County Commissioners  
1305 North Goff Street  
Eads, CO 81036

Richard Scott  
Cindy McLoud  
Donald Oswald  
Kiowa County  
1305 Goff Street  
Eads, CO 81036

Chairman, Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, CO 80202

Chief, USDA Forest Service  
1400 Independence Avenue SW  
Washington, DC 20250-0003

Hon. Joshua B. Epel, Chairman  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, CO 80202

Crowley County Commissioners  
603 Main Street, Suite 2  
Ordway, CO 81063

Ute Mountain Ute Tribe  
PO Box 52  
Towaoc, CO 81335

January 4, 2016

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Colorado Department of Public Health  
and Environment  
4300 Cherry Creek South  
Denver, CO 80246

US Environmental Protection Agency  
1596 Wynkoop Street  
Denver, CO 80292

Corps of Engineers, Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109-3435

Ms. Phyllis Ann Phillips  
State Conservationist  
Natural Resource Conservation Service  
Denver, CO 80202

Dr. Pamela M. Fischhaber  
Chief of Rail/Transit Safety  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, CO 80202

Ms. Susan C. Linner  
US Fish & Wildlife Service  
PO Box 25486 DFC (65412)  
Denver, CO 89225-0486

US National Geodetic Survey  
NGS/12  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Mr. Charlie Stockman  
Park & Planning Special Studies  
National Park Service  
1201 Oakridge Drive, Suite 150  
Fort Collins, CO 80525

Mr. Edward C. Nichols  
State Historic Preservation Officer  
Office of Archeology & Historic Preservation  
1200 Broadway  
Denver, CO 80203

PROOF OF PUBLICATION

Fowler Tribune

Legal Notice Published in the STATE OF COLORADO

SS.

County of Otero,

Candi Hill being first duly sworn, deposes and says:

That she is an officer of the GateHouse Media Inc., to wit the Publisher thereof:

The said GateHouse Media inc. officer is the publisher of the Fowler Tribune a weekly newspaper as defined by Colorado Revised Statutes 24-70-102, as amended, published and printed in La Junta, Otero County, Colorado;

That said newspaper is duly qualified as a legal newspaper within the meaning of Colorado Revised Statutes 24-70-103, as amended, having been published in Otero County uninterruptedly and continuously as a weekly newspaper for a period of at least six months prior to the first publication of the attached or annexed Legal Notice.

That the attached or annexed

LEGAL NOTICE NO. 1911

was published in the Fowler Tribune issues of November 26, 2015

Candi Hill Publisher

Subscribed and sworn to before me this 28th day of December 2015

My commission expires 11/27/18

Donca Jackson Notary Public

LEGAL 1911

AMENDED NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

V and S Railway, LLC ("V&S") gives notice that on or about November 30, 2015, it intend to file with the Surface Transportation Board (STB) Washington, DC 20423, an Amended Notice of Exemption pursuant to the provisions for 49 CFR Part 1152 Subpart F -Exempt Abandonment's and Discontinuance of Service and Trackage Rights permitting the discontinuance of service over the 121.9-mile line of railroad between railroad milepost 747.5 near Towner and milepost 869.4 near NS Junction. The line traverses through United States ZIP Codes 81022, 81062, 81033, 81063, 81076, 81021, 82045, 81036, 81071, and 81050, in Pueblo, Crowley, Kiaowa and Otero counties, Colorado. The proceeding (originally filed as an abandonment exemption) has been docketed as STB Docket Nos. AB-603 (Sub-No. 4X). Because the proposed action entails the discontinuance of service over the line rather than abandonment, no environmental or historic documentation is required, and the STB will not prepare an environmental assessment.

Appropriate offers of financial assistance to subsidize continued rail service can be filed with the STB. Trail use / rail banking and public use condition requests are not appropriate in discontinuance proceedings. An original and 10 copies of any pleading that raises matters other than environmental issues ( such as offers of financial assistance) must be filed directly with the STB's Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [49 C.F.R. 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the STB's Office of Public Assistance, Government Affairs and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; 215-640-8500.

Published in the Fowler Tribune November 26, 2015.

Donca Jackson Notary Public State of Colorado Notary ID 19874097534 My Comm. Exp. November 27, 2018

PROOF OF PUBLICATION AFFIDAVIT

THE PUEBLO CHIEFTAIN

STATE OF COLORADO, )
) s.s.
County of Pueblo, )

I, Gerri Elizondo do solemnly swear that I am an employee of THE PUEBLO CHIEFTAIN; that the same is a daily newspaper printed, in whole or in part and published in the County of Pueblo, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Pueblo for a period of 365 days a year next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States Mail as a as a second class matter under the provisions of the act of March 3rd, 1987, or any amendment thereof duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado of which is attached a true copy from said newspaper and was published on the following dates:

PUBLISHED: 11/27

In witness whereof, I have hereunto set my hand

this 30 day of Nov A.D. 2015.

Handwritten signature of Gerri Elizondo

Subscribed and sworn to before me, a Notary Public in and for the County of Pueblo, State of Colorado,

this 30 day of Nov A.D. 2015.

Handwritten signature of Lynda K Connors

Notary Public

AMENDED NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

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**Public Notice**

**AMENDED NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE**

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Published November 27, 2015  
In The Kiowa County Press

**Public Notice**

The following vouchers were paid at the Regular Meetings held on October 13, 2015 and October 29, 2015, to wit:

**KIOWA COUNTY FAIR BOARD**

Cherry Creek Radio Advertising on Radio	\$150.00
Cobblestone Inn & Suites CPRA-Fair-Hotel Repairs	
Rodeo Judges	\$3,657.33
C.B. Crum Sound System -Calcutta, Barrel Racing and Fun Day (Wed, Fri, Sat, Sun)	\$700.00
Eads Auto Supply Fair-Supplies \$150.00, Generator \$115.93, BBQ 34.20	\$150.13
Eads Consumer Supply Grain/Feed for livestock for Rodeo.	\$574.45
Kiowa County 4-H Council Concession Stand Charges for Judging Staff	\$141.50
Kiowa Healthmart Tissue Paper for County Fun Day Event	\$2.98
Kiowa County Press Copies for Racing, Advertising Correction, Advertising Fair Royalty	\$135.78
Patties Potties 3 Units for Week of Fair	\$120.00
	\$5,632.17

**SOCIAL SERVICES**

American Family Life Cancer Insurance Withheld	\$248.30
CHP - CTSI Health Insurance Withheld	\$612.57
Colonial Insurance Accident Insurance Withheld	\$6.92
Kiowa County Treasurer Fed & Fica Tax Withheld, State Withheld, Retirement Withheld, Offset for Direct Deposit	\$15,939.59
	\$16,807.38

**PUBLIC HEALTH AGENCY FUND**

Business Solutions Leasing 1/3 EPR Copier-\$39.00, 2/3 Copier \$78.00	\$117.00
Eastern Slope Rural Telephone 1/3 EPR-\$51.28, 2/3 P/H-\$102.55	\$153.83
Gobin's 1/3 EPR (printing)-\$13.26, 2/3 P/H (printing) \$26.91	\$40.17
Security Alarm System Security Monitoring Annual	\$252.45
Kris Stokke EPR	\$6,666.67
Town of Eads P/H Nurse-Water	\$73.87
Unifirst P/H Nurse- Office Supplies	\$64.62
Atmos Energy P/H Nurse Gas utility	\$28.24
Southeast Colorado Power Electricity Bill	\$256.32
American Family Life Cancer W/H	\$35.36
CDPHE Public Health Vital Statistics	\$11.50
CHP-CTSI Insurance	\$1,184.45
Kiowa County Treasurer Fed & Fica Ta W/held, State W/held, Offset for Direct Deposit	\$2,513.61
	\$11,398.09

**FIRE FIGHTER'S FUND**

Hotel Elegante CAFS Conference	\$609.56
Colorado Association of Fairs and Shows Three Convention Reservation	\$530.00
	\$1,139.56

**COUNTY GENERAL**

Atmos Energy Gas Utility	\$105.43
Bent County Sheriff's Sheriff-Dispatch	\$1,925.00
Business Solutions Leasing Admin-Service Agreement	\$176.43
County Sheriff's of Colorado Sheriff-Office Supplies	\$50.00
Crow's Stop and Shop Eads Snrs-hobby/meat \$61.79; Bldg Maint-supplies \$54.30; Main- Com Bldg. \$13.23; KC Fire-Misc. \$48.90	\$178.22
District Attorney Elected Official-\$184.50; Operating Supplies-\$342.00; Salaries-\$1696.08	\$2,222.58
DW Waste Management Trash Hauling	\$6,855.00
Precision Pest Control Towner Seniors	\$159.00
Eads Auto Supply Bldg Main-Repairs \$69.81, Supplies \$173.03, Sm Tools \$173.58; Sheriff-Auto Repairs \$82.19; Maint-Com Bldg Repairs \$1397.86, Fairgrounds Repairs \$246.79	\$2,143.26
Eads Consumer Supply Sheriff- Repairs/Tires	\$294.47
East End Seniors Staff-\$430.25, Meat -\$10.00	\$440.25
Eastern Slope Telephone Telephone Utility	\$1,297.34
Fair Point Communications TNR SRS-Telephone	\$36.49
Gobin's Inc Admin-Service Agreement	\$69.30
Great America Financial Services Sheriff-Office Supplies	\$56.49
HART Intercivic Ballot Programming & Printing	\$3,203.04
Jack Howard Ambulance-Contract Labor	\$336.53
Kiowa Healthmart Assr-Office Supplies \$12.72; Elections-Supplies \$62.27; Shrf-Office Supplies \$96.80; Snrs-Hobby Supplies \$16.96	\$188.75
Kiowa County National Bank Sheriff-Car Payment \$1028.03, Sheriff Pkup payment \$1016.99	\$2,045.02
Kiowa County Press Admin-Advertising \$110.50; Treas-Ads/Printing \$35.11; Elections-Supplies \$22.50; Lndfil-Ads \$18.75	\$186.86
MARC Bldg. Maint	\$185.69
Plains Network Veteran's-Office Supplies (Internet)	\$220.00
Patties Potties Landfill	\$70.00

Postmaster Postage-Stamps	\$1,190.00
Postmaster Postage-Stamps	\$980.00
Pro-Com Transit Van-Misc.	\$82.00
Prowers County Jail Jail-Outside Prisoner Keep.	\$6,000.00
Quill Admin-Office Supplies	\$149.98
Patricia Roper Clerk-Supplies Reimburse	\$7.33
State Chemical Manufacturing Co. Main-Bldg Supplies	\$514.07
Glenda Stoker Refund Campsite Fee/Fair	\$100.00
Thunderbird Petroleum Products Towner Fire-Repairs	\$9.12
Town of Eads Eads Snrs- \$73.27; Museum- \$73.27;	
Courthouse-Water Bills \$582.75	\$729.29
Towner Recreation District Towner Snrs-Utilities	\$150.00
Unifirst CG- Bldg Supplies	\$369.74
Verizon DEM-Cell Phone	\$146.20
Viaero Sheriff-Telephone	\$532.74
West End Golden Seniors Haswell-Utilities	\$300.00
Atmos Energy Utilities	\$85.78
S.E.C.P.A. Electric Utilities	\$3,085.85
VISA Assessor-Mileage \$230.82, Clerk-Mileage \$443.85, Maint-\$447.61 Refridgerator; Trans Van-Car Clean; Sheriff-Misc 113.68; DEM-Fuel \$134.63,Travel-\$79.69, Supplies-\$83.83, Sheriff-Travel Meals \$74.90 (\$67.12 in Eads), Office Supplies \$181.25; Postage \$15.47; Sheriff-Advertising \$383.91, Advertising \$21.26, Supplies \$48.59, Sheriff Dues \$150.00	\$2,015.49
Tina Adamson Meeting Travel	\$69.82
American Family Life Cancer W/Held	\$641.12
ACS Treasurer Contract \$1345.39; Assessor Rental Contract \$1345.39	\$2,690.78
American Fidelity - Flex Kansas Elective Benefits	\$100.00
American Fidelity - Oklahoma Elective Benefits	\$177.05
Apex Companies, LLC Landfill-Test Wells	\$479.50
Brown Funeral Home Autopsy	\$250.00
CHP-CTSI Insurance	\$20,706.12
Colorado Bureau of Investigation Sheriff-Miscellaneous	\$420.00

Continued on page 10

**Eastern Slope Rural Telephone Assoc., Inc. Public Notice**

Eastern Slope Rural Telephone Assoc., Inc. provides the following basic telecommunications services throughout its designated service area:

- \* Single-party voice-grade service with connectivity to the public switched network;
- \* Local exchange service including local usage free of per-minute charges;
- \* Dual tone multi-frequency signaling;
- \* Access to emergency services;
- \* Access to operator services;
- \* Access to interexchange service;
- \* Access to directory assistance;
- \* Toll blocking, 900 and 976 number blocking.

Basic services are offered at the following rates:

Single-party residence service	\$16.00/mo*
Single-party business service	\$19.20/mo*
Residential federal subscriber line charge (exchange access)	\$6.50/mo
Business federal subscriber line charge (exchange access)	\$9.20/mo

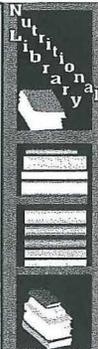
\*The above rates do not include charges for long distance, operator services, Directory Assistance, 911 emergency services, or other state, federal and/or local taxes and fees.

Discounts are available to low-income customers who qualify for participation in Lifeline telephone assistance programs. For information concerning this program, please call our Business Office at 719-743-2441 or 888-999-3778.

**Marples Country Market**

101 N. 4th Street  
Lamar, Colorado

(719) 336-4001



PROOF of PUBLICATION



STATE OF COLORADO, )  
COUNTY OF KIOWA ) SS.

**Chris Sorensen**

do solemnly swear that I am

**Publisher**

(Editor, Asst. Editor, Publisher)

of the Kiowa County Press; that the same is a weekly newspaper printed in whole or in part, and published in the County of Kiowa, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Kiowa for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 8, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly

newspaper for the period of 1 consecutive insertions and that the first publication of said notice was in the issue of

said newspaper dated Nov 27

A.D., 20 15, and that the last publication of said notice

was in the issue of said newspaper dated Nov 27

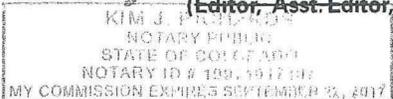
A.D., 20 15

In witness whereof I have unto set my hand this

27 day of Nov A.D., 20 15

*Chris Sorensen*

(Editor, Asst. Editor, Publisher)



Subscribed and sworn to before me a notary public in and for the County of Kiowa, State of Colorado, this

27<sup>th</sup> day of November A.D., 20 15

*Kim J Richards*  
Notary Public

My commission expires 09-22 2017