

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

September 23, 2016

241558

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
September 23, 2016
Part of
Public Record

Re: Docket No. FD 35187 (Sub-No. 1), *Grand Elk Railroad, Inc.—Acquisition of Incidental Trackage Rights Exemption—Norfolk Southern Railway Company*

Dear Ms. Brown:

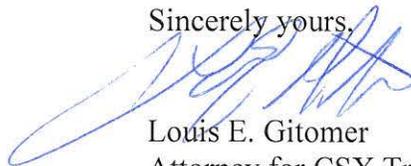
Pursuant to 49 CFR 1121.3(c) “A party seeking revocation of an exemption or a notice of exemption shall provide all of its supporting information at the time it files its petition.” Grand Elk Railroad, Inc. (“GDLK”) filed: (1) a Petition to Partially Revoke Class Exemption on August 25, 2016 (the “Petition”); (2) a Supplement on September 6, 2016; (3) an Amended Supplement on September 7, 2016; and (4) a Supplement on September 8, 2016.

In making its supplemental pleadings, GDLK demonstrated that it either (1) did not comply with 49 CFR 1121(c) by not providing “all of its supporting information at the time it files its petition,” in which case the Petition would be rejected for failing to comply with the Board’s rules or (2) extended the date when GDLK completed its filing of the Petition to September 8, 2016, in which case replies would be due on September 28, 2016. CSXT filed its Reply on September 16, 2016.

Therefore, CSXT contends that its Reply was timely filed and the timing of the Reply was not prejudicial to GDLK. CSXT respectfully requests that the Board deny GDLK’s implied request that the CSXT Reply be rejected.

CSXT is e-filing this letter. Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.

CERTIFICATE OF SERVICE

I certify that I have this day electronically served a copy of this letter on:

Robert A. Wimbish
Fletcher & Sippel, LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
rwimbish@fletcher-sippel.com

Honorable Peter MacGregor
Michigan State Senate
P.O. Box 30036
Lansing, MI 48909-7536
senpmacgregor@senate.michigan.gov

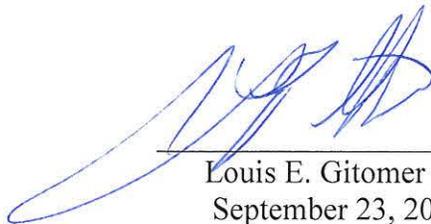
Garrett D. Urban
Norfolk Southern Railway
Three Commercial Place
Norfolk, VA 23510
Garrett.urban@nscorp.com

Honorable Tonya Schuitmaker
Michigan State Senate
P.O. Box 30036
Lansing, MI 48909-0793
senschuitmaker@senate.michigan.gov

Honorable Bill Huizenga
Congress of the United States
1217 Longworth House Office Bldg
Washington, DC 20515
Greg.vanwoerkom@mail.house.gov

Mr. Kirk Steudle, Director
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909
SteudleK@michigan.gov

Honorable Fred Upton
US House of Representatives
Washington, DC 20515
Lynn.turner@mail.house.gov



Louis E. Gitomer
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