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LAW OFFICES
JAMES H. M. SAVAGE, ESQ.
22 ROCKINGHAM COURT
GERMANTOWN, MD 20874
jsavagelaw@aim.com

ENTERED
Office of Proceedings
June 30, 2016
Part of
Public Record

Admitted to Practice
DC & New Jersey

Tel: (908) 361-7097
Fax: (301) 972-5743

June 30, 2016

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

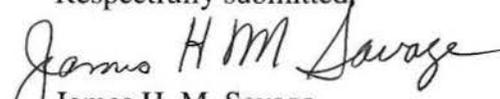
Re: STB Finance Docket No. 36044 CWW, LLC-Lease and Operation Exemption-Port of Columbia, WA

Dear Ms. Brown:

On behalf of Paul Didelius, Petitioner, I am filing an original and ten copies of a Verified Notice of Exemption under 49 U.S.C. 10901 and 49 CFR 1150.31 in the above-captioned proceeding. I am enclosing with this filing a check for \$1,900 to cover the applicable filing fee as well as a copy of the filing on a computer disk formatted for MS word and pdf.

Also enclosed please find a duplicate copy of this letter to be stamped with the filing date and returned to the undersigned. If there are any questions about this matter, please contact me directly, either by telephone at (908) 361-7097 or by email to jsavagelaw@aim.com.

Respectfully submitted,


James H. M. Savage
Counsel for CWW, LLC

Enc.
See service cert. (attached)

FEE RECEIVED
June 30, 2016
SURFACE
TRANSPORTATION BOARD

FILED
June 30, 2016
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 36044

**CWW, LLC
-- LEASE AND OPERATION EXEMPTION --
PORT OF COLUMBIA, WA**

**VERIFIED NOTICE OF EXEMPTION
FOR LEASE AND OPERATION OF RAIL LINE
PURSUANT TO 49 U.S.C. 10901 and 49 CFR 1150.31**

Submitted By:

James H. M. Savage
22 Rockingham Court
Germantown, MD 20874
(908) 361-7097
jsavagelaw@aim.com

Counsel for Applicant
CWW, LLC

Dated: June 30, 2016

INFORMATION REQUIRED BY 49 CFR 1150.33

Pursuant to 49 CFR 1150.31, et seq., CWW, LLC (“CWW”), a non-carrier, which will become a Class III common carrier upon this exemption taking effect, hereby files this Verified Notice of Exemption to lease and operate rail property owned by the Port of Columbia, WA (“Port”) known as the Dayton Line, between the connection with Palouse River & Coulee City Railroad, L.L.C. (“PCC”) at milepost 33.0 near Walla Walla, WA and milepost 70.1 at Dayton, WA (collectively, “the Dayton Line” or “rail line”).¹ The line traverses Walla Walla and Columbia Counties, all within the State of Washington.

The subject rail line and other property was previously leased by Port to PCC under a lease agreement between the rail line’s prior owner, Union Pacific Railroad Company (“UP”), and Blue Mountain Railroad (“BMR”) dated November 18, 1992 (“1992 Lease”). Board authorization of the 1992 Lease was obtained pursuant to Verified Notice of Exemption filed in Finance Docket No. 32193. Port subsequently acquired the Dayton Line by donation from UP in Finance Docket No. 33318 (STB served: January 10, 1997). Port’s acquisition was made subject to the 1992 Lease, and BMR continued to operate the Dayton Line after consummation under an assignment of the 1992 Lease from UP to Port. The 1992 Lease was amended in 1997 to reflect the assignment. BMR and PCC were acquired by Watco in a corporate family transaction, with BMR being absorbed into PCC. See Finance Docket No. 33898 (STB served July 24, 2000). Since 1997, first BMR and then PCC have operated Port’s Dayton Line pursuant to the 1992 Lease.

Port and PCC have mutually agreed to cancel the 1992 Lease, with cancellation effective upon this Notice taking effect, and Port has entered into a new Lease with CWW, which will also become operative upon this Notice taking effect. The parties have aligned the transaction so as

¹ The mileposts were renumbered after 2000. The previous Dayton Line mileposts of record were milepost 48.0 near Walla Walla, WA, milepost 71.3 at Bolles, WA, milepost 0.0 at Bolles, WA, and milepost 14.06 at Dayton, WA.

to avoid any gap in service to rail customers, with PCC assigning its common carrier obligation to CWW.

This Notice is related to STB Finance Docket No. 30645, Paul Didelius-Continuance in Control Exemption-CWW, LLC, which is being filed concurrently herewith.

Name and Address of Applicant

49 CFR 1150.33(a)

CWW, LLC
499 Railex Road
Burbank, WA 99323

Applicant's Representative

49 CFR 1150.33(b)

James H. M. Savage
22 Rockingham Court
Germantown, MD 20874
(908) 361-7097

Statement of Agreements

49 CFR 1150.33(c)

CWW and Port have executed an agreement for CWW to lease and operate rail property known as the Dayton Line, between the connection with PCC at milepost 33.0 near Walla Walla, WA and Milepost 70.1 at Dayton, WA.

CWW further expects to shortly reach and execute an agreement to interchange freight with PCC at Walla Walla, WA and CWW will operate the Dayton Line pursuant to a PCC-CWW interim agreement as PCC's assignee until this Notice effect.

Operator of the Property

49 CFR 1150.33(d)

In all cases anticipated by this Notice, and as described in the transaction summary provided below, CWW will hold itself out to provide common carrier rail freight service over the subject rail property.

Brief Summary of Transaction

49 CFR 1150.33(e)

This exemption involves the lease and operation by CWW, a non-carrier which will become a Class III short line railroad carrier upon this exemption taking effect, of certain rail property owned by Port and which had previously been leased to and operated by PCC.

(1) Name and address of incumbent railroad

Palouse River and Coulee City Railroad
315 West 3rd Street
Pittsburg, KS 66762

(2) Proposed time schedule for consummation of transaction. CWW plans to commence operations on or after July 31, 2016, more than thirty days after the filing of this Notice.

(3) Mileposts of the subject property. CWW intends to lease and operate rail property owned by Port known as the Dayton Line, between the connection with PCC at milepost 33.0 near Walla Walla, WA and Milepost 70.1 at Dayton, WA.

(4) Total Route Miles. CWW intends to lease and operate rail property comprising a total of 37.1 route miles.

Map of Area to be Served

49 CFR 1150.33(f)

A map clearly indicating the area to be served, including origins, termini, stations, cities, and states, is attached as Exhibit A to this notice.

Certificate of Carrier Classification

49 CFR 1150.33(g)

A certificate complying with the provisions of 49 CFR 1150.33(g) is attached as Exhibit B to this notice. Accordingly, the advance notice requirements of 49 CFR 1150.32(e) are not applicable to this transaction.

Transactions Imposing Interchange Commitments

49 CFR 1150.33(h)

CWW advises the Board that it is negotiating and expects to shortly enter into an Interchange Agreement with PCC imposing no interchange commitments. CWW will immediately advise the Board in the event the final Interchange Agreement differs from what is represented herein.

Caption Summary

49 CFR 1150.34

A caption summary in prescribed form is attached as Exhibit C to this Notice.

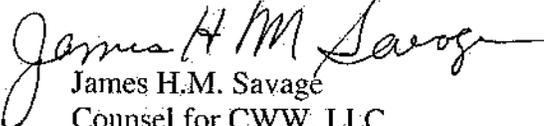
Environmental and Historic Preservation Data

49 CFR 1105

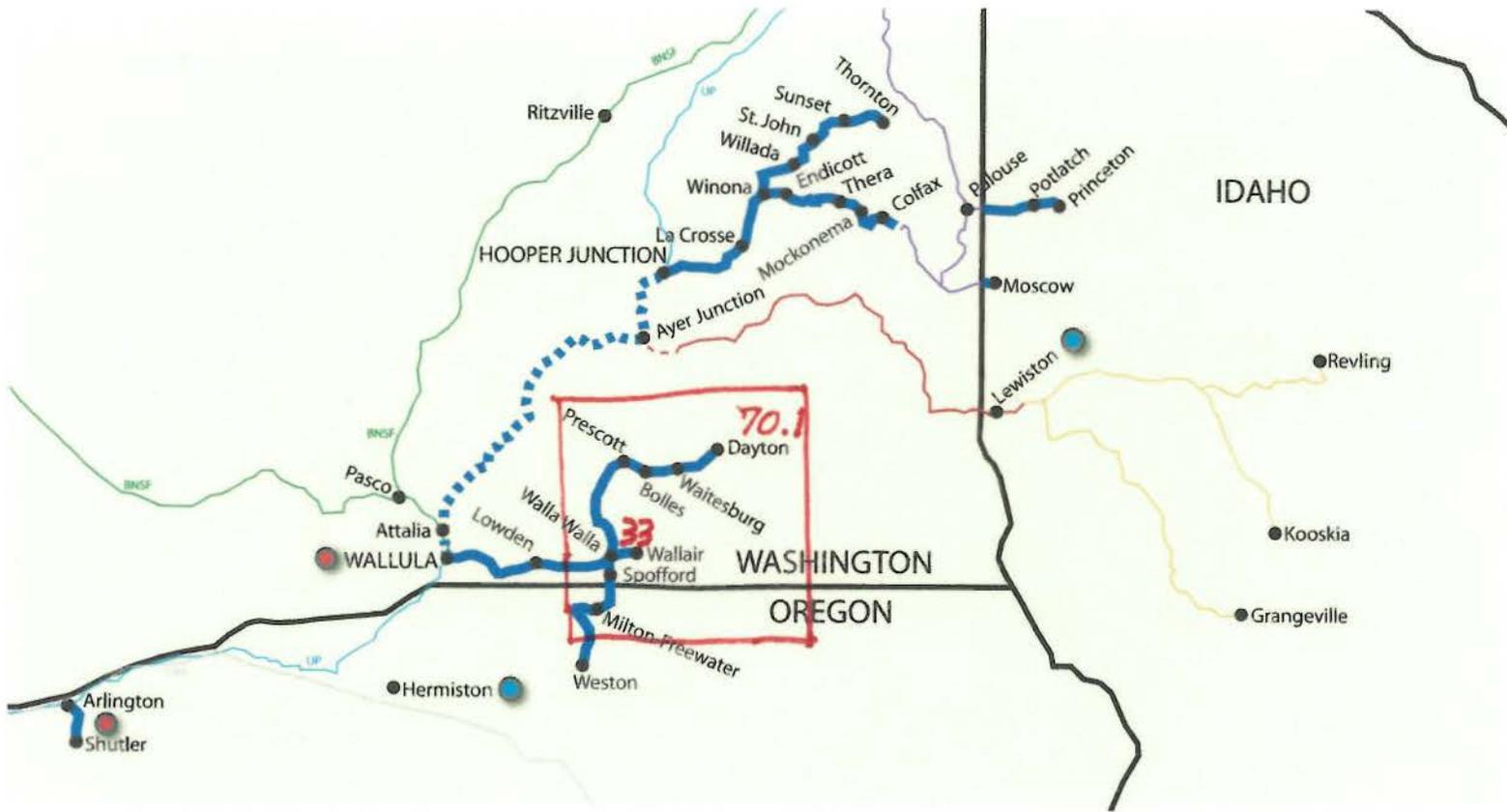
Under 49 CFR 1105.6(c)(2), the proposed transaction is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, *i.e.*, changes exceeding the thresholds established in 1105.7(e)(4) or (5).

In addition, this transaction is exempt from historic review under 1105.8(b)(1). The proposed lease is for the purpose of continued rail operations, further Board approval would be required to abandon or discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Respectfully submitted,


James H.M. Savage
Counsel for CWW, LLC

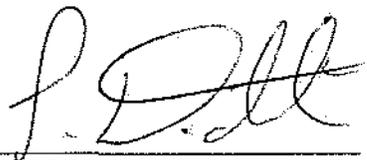
Dated: June 30, 2016



I, Paul Didelius, certify that I am the owner of CWW, LLC and that applicant's projected revenues do not exceed those that would qualify it to remain a Class III carrier.

I further certify that the foregoing statements made by me are true, and that I am aware that if any of the foregoing statements made by me be willfully false, I am subject to punishment.

Dated: 6-23-2016


Paul Didelius

SURFACE TRANSPORTATION BOARD*Notice of Exemption***FINANCE DOCKET NO. 36044****CWW, LLC
-- LEASE AND OPERATION EXEMPTION --
PORT OF COLUMBIA, WA**

CWW, LLC has filed a Verified Notice of Exemption under 49 C.F.R. 1151.31 to lease and operate rail property owned by Port of Columbia, WA ("Port") known as the Dayton Line between Milepost 33.0 near Walla Walla, WA, and Milepost 70.1 at Dayton, WA, a distance of 37.1 miles. Comments must be filed with the Board and served on Petitioner's representative, James H. M. Savage, 22 Rockingham Court, Germantown, MD 20874. The telephone number of Petitioner's representative is (908) 361-7097.

This notice is filed under 49 CFR 1150.31. 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.

Dated: _____

By the Board

Cynthia T. Brown

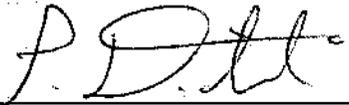
Chief, Section of Proceedings

(Seal)

VERIFICATION

STATE OF WASHINGTON)
) SS
COUNTY OF WALLA WALLA)

I, Paul Didelius, of full age, being duly sworn according to law, upon my oath depose and state that I am the owner of CWW, LCC, that I am fully authorized to make this Verification, that I have read the foregoing document, and that I know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information and belief.



Paul Didelius

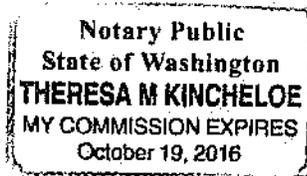
Subscribed and sworn to before me, a Notary Public, in and for the City of Burbank and County of Walla Walla, in the State of Washington, this 24 day of June, 2016.



Notary Public

My Commission expires:

Oct. 19, 2016



CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have served this 30th day of June 2016, by electronic mail a true copy of the within pleading upon the following persons:

Kimberly R. Boggs
Marinella & Boggs
P.O. Box 7
338 E Main Street
Dayton, WA 99328
kim@smkb-law.com
Counsel for Port of Columbia

Karl Morell
Karl Morell & Associates
655 Fifteenth St., N.W., Suite 225
Washington, DC 20005
karlm@karlmorell.com
*Counsel for Watco Companies d.b.a.
Palouse River & Coulee City Railroad*


James H. M. Savage