



City of Tacoma
Office of the City Attorney



May 25, 2016

240771

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E St SW
Washington, D.C. 20423

Sent via Federal Express

ENTERED
Office of Proceedings
May 26, 2016
Part of
Public Record

Re: **Letter of Withdrawal and Request For Return of Filing Fee; STB Docket No. AB - 1239 (Sub-No. 1X), City of Tacoma (Tacoma), Discontinuance of Service Exemption – in Thurston County, Washington**

Dear Ms. Brown:

We have been informed by staff at the STB today that our Notice of Exemption filing in Docket No. AB – 1239 (Sub-No. 1X) is not proper for the type of discontinuance authority (termination of an operating lease and reversion of the common carrier obligations back to the track owner BNSF Railway Company) the City of Tacoma is requesting. Consequently, we ask that you withdraw our filing.

Additionally, it is our understanding according to 49 CFR § 1002.2(e), that filing fees are waived for an application or other proceeding that is filed by a federal government agency or a state or local government entity. The proceeding above was filed on behalf of a first class city of the state of Washington. As such, the filing fee would have been waived for the above proceeding; consequently, the City of Tacoma requests its \$3,900 filing fee be returned.

Please do not hesitate to contact me if you have any questions.

Sincerely,

William Fosbre
Chief Deputy City Attorney

WCF/dk

 GRANTED Office of Proceedings	DECISION ID NO.: <u>45227</u>
	DECIDED DATE: <u>4/9/16</u>
	SERVICE DATE: <u>6/10/16</u>
	APPROVED: <u>Richard Campbell</u> Director
	<input checked="" type="checkbox"/> <u>withdrawal approved</u> <u>Fee issue pending.</u>