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SEC

SERVICE DATE – LATE RELEASE JULY 25, 2007

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35031

FORTRESS INVESTMENT GROUP LLC, ET AL. – CONTROL –
FLORIDA EAST COAST RAILWAY, LLC

Decision No. 3

Decided: July 25, 2007

NOTICE TO THE PARTIES:

The attached service list has been compiled from notices of intent to participate submitted in accordance with the procedural schedule set forth in this proceeding as described in Decision No. 2, served on June 21, 2007, and published the same day in the Federal Register at 72 FR 34349-53.

Each person actively participating as a Party of Record in this proceeding must, by August 6, 2007, serve a copy of all filings submitted so far in this proceeding on each Party of Record (designated on the attached service list as “Party of Record”) to the extent such filings have not previously been served upon such other parties. Each Party of Record also will be required to file with the Board, by August 6, 2007, a certificate of service, indicating that the service required by the preceding sentence has been accomplished.

Any document filed in this proceeding must be filed either via the Board’s e-filing format or in the traditional paper format. Any person e-filing a document should attach a document and otherwise comply with the instructions found on the Board’s website at “www.stb.dot.gov” at the “E-FILING” link. Any person filing a document in the traditional paper format should send to the Board an original and 10 paper copies of the document (and also an electronic version).

Every filing made by a Party of Record after the service date of this Notice must have its own certificate of service indicating that all Parties of Record on the service list have been served with a copy of the filing. As stated in Decision No. 2, Members of the United States Congress and Governors are not Parties of Record and, therefore, need not be served with copies of filings, unless any such Member of Congress or Governor has requested to be, and is designated as, a Party of Record.

The Board will follow the practice regarding service of Board actions in past proceedings. See Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control And Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, STB Finance Docket No. 32760 (STB

served June 8, 2007). Copies of decisions, orders, and notices will be served only on those persons who are designated as Party of Record, Non-Party, Member of Congress, or Governor on the official service list. All other interested persons are encouraged either to secure copies of such decisions, orders, and notices via the Board's website at "www.stb.dot.gov" under "E-LIBRARY/Decisions & Notices" or to make advance arrangements with the Board's copy contractor, ASAP Document Solutions (mailing address: Suite 103, 9332 Annapolis Rd., Lanham, MD 20706; e-mail address: asapdc@verizon.net; telephone number: 202-306-4004), to receive copies of decisions, orders, and notices served in this proceeding. ASAP Document Solutions will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service.¹

All persons on the attached service list should review the list and determine whether information about their address and status (as a Party of Record or Non-Party) is correct. The list reflects the Board's policy of allowing only one official representative per party to be placed on the service list, as specified in Press Release No. 97-68 dated August 18, 1997, announcing the implementation of the Board's "One Party-One Representative" policy for service lists. In this proceeding, if a request was made in the notice of intent to participate to have more than one name added to the service list as a Party of Record representing a particular entity, the extra name was added to the service list as a "Non-Party." Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 CFR 1180.4, and any other requirements set forth in Decision No. 2 and this notice.

¹ An interested person does not need to be on the service list to obtain a copy of the application or any filing in this proceeding. The Board's Railroad Consolidation Procedures provide: "Any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order." See 49 CFR 1180.4(a)(3). The application and other filings received in this proceeding will also be available on the Board's website at "www.stb.dot.gov" under "E-LIBRARY/Filings." Furthermore, ASAP Document Solutions will provide, for a charge, copies of the primary application or any other filing made in this proceeding, except to the extent any such filing is subject to the protective order previously entered in this proceeding.

Requests to change or correct service list information, or to be deleted from the service list, must be filed **in writing** with the Board by August 6, 2007. Parties must submit such requests either via the Board's e-filing format or in the traditional paper format (an original plus 10 copies). Requests submitted in the paper format should be directed to:

Surface Transportation Board
Re: STB Finance Docket No. 35031
395 E Street, S.W.
Washington, DC 20423-0001

Vernon A. Williams
Secretary

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