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SEC

SERVICE DATE – OCTOBER 24, 2003

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 30186 (Sub-No. 3)

TONGUE RIVER RAILROAD COMPANY, INC.–CONSTRUCTION  
AND OPERATION–WESTERN ALIGNMENT

October 24, 2003

NOTICE TO THE PARTIES:

In a decision served July 7, 2003, and notice published in the Federal Register (68 FR 40331-32) on that same date, the Board, among other things, provided an opportunity for persons to become parties of record to this proceeding by submitting a notice of intent to participate. The Board received a number of responses and, on October 3, 2003, served a Notice to the Parties and an attached, updated service list. That list reflected changes made as a result of the responses to the Board's July 7 decision, as well as other changes in address, counsel, and party status that have occurred over the years since the Board issued the first service list in this proceeding in July 1998. To ensure the accuracy of the service list, the Board asked persons to file with it any requests for corrections, changes, or deletions from the list published on October 3.

In response, the Board has received a number of requests from persons seeking to change their status from non-parties to parties of record,<sup>1</sup> to become parties of record, to correct or update

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<sup>1</sup> Some persons appear to misunderstand the difference between being a party of record and being a non-party. A party of record is a person who receives copies of official filings from other participants in the proceeding, in addition to receiving copies of Board decisions, orders, and notices. A non-party receives copies of Board decisions, orders, and notices, but does not receive copies of official filings from other participants in the proceeding. A party of record must serve on all other parties of record copies of all filings it submits to the Board, and certify that it has done so.

addresses, and/or to be deleted from the service list altogether. The Board is granting these requests. The attached Appendix sets forth these changes<sup>2</sup> as they pertain to parties of record.<sup>3</sup>

Parties of record listed on the October 3 service list who have already filed pleadings in this proceeding on or after May 1, 2003, must serve those filings on the attached list of new parties of record within 5 days of the service date of this Notice. The parties of record on the October 3 service list will also be required, by November 5, 2003, to file with the Board an original plus 10 copies of a certificate of service indicating that the service required by this Notice has been accomplished. The parties set forth on the attached Appendix also have access to all of the written comments in this proceeding filed since May 1, 2003, including the applicant's supplemental evidence filed May 1, because they are available on the Board's website at WWW.STB.DOT.GOV.

Any party of record who in the future files comments responsive to the applicant's May 1, 2003 supplemental evidence must serve those comments on the parties of record set forth in the October 3 service list, as amended by the attached Appendix, by November 12, 2003.<sup>4</sup> An original

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<sup>2</sup> A copy of the Board's October 3 Notice sent to one party of record, D. K. Bircher, was returned undelivered. Because the Board does not have a valid address for Mr. Bircher, he will no longer be considered as a party of record and need not be served with filings from other parties. The Board will reinstate him as a party of record if a correct address is provided. Also, Steven A. Brigance, a party of record on the October 3 service list, will be removed from the list pursuant to a request from his previous law firm, LeBoeuf, Lamb, Greene & MacRae. Finally, two parties of record, Mark Fix and R. S. Knutson, sent letters modifying the parties they represent. These changes are reflected in the Appendix.

<sup>3</sup> The Board will not publish any changes to the October 3 service list that pertain solely to non-parties at this time. The Montana Department of Natural Resources and Conservation is the only entity that sent a request dealing exclusively with non-parties. It asked the Board to change the October 3 service list by removing two non-parties and updating a non-party's address. These requested changes, as well as other minor modifications to the service list pertaining only to non-parties, will be made to the Board's internal records, but, because they do not affect the service requirements of parties of record, will not be set forth in this Notice.

<sup>4</sup> The United Transportation Union-General Committee of Adjustment and the United Transportation Union-Montana State Legislative Board filed a separate petition "to correct and revise the service list" which included a suggestion for a modest extension of this due date. In light of the immediate availability of applicant's updated information on the Board's website, an extension is unnecessary.

plus 10 copies must also be filed with the Board by the same date. Every filing made by a party of record after the service date of this Notice must include a certificate of service indicating that all parties of record have been served with a copy of the filing.

Vernon A. Williams  
Secretary

**APPENDIX**

THE FOLLOWING NAMES SHOULD BE **ADDED** TO THE SERVICE LIST AS PARTIES OF RECORD:

**PARTY OF RECORD**

IRV ALDERSON  
BONES BROTHERS RANCH  
PO BOX 505  
BIRNEY MT 59012 US

Represents: IRV ALDERSON

**PARTY OF RECORD**

JEANIE ALDERSON  
BONES BROTHERS RANCH  
PO BOX 505  
BIRNEY MT 59012 US

Represents: JEANIE ALDERSON

**PARTY OF RECORD**

MR. AND MRS. RICHARD J ANDERSON  
TONGUE RIVER HC 32  
MILES CITY MT 59301 US

Represents: RICHARD J. ANDERSON

**PARTY OF RECORD**

REP. NORMA BIXBY  
PO BOX 1165  
LAME DEER MT 59043

Represents: HOUSE DISTRICT 5, MONTANA  
HOUSE OF REPRESENTATIVES

**PARTY OF RECORD**

WILLIAM P CARREL  
FL RANCH  
7 RED BLUFF LOOP  
BIRNEY MT 59012

Represents: FL RANCH

**PARTY OF RECORD**

MARK FIX  
HC32 BOX 4196  
MILES CITY MT 59301 US

Represents: MARK FIX

**PARTY OF RECORD**

MARILYN FORTUNE  
T TRIANGLE RANCH  
HC 32  
MILES CITY MT 59301 US

Represents: T TRIANGLE RANCH

**PARTY OF RECORD**

ART HAYES JR.  
BROWN CATTLE CO.  
PO BOX 517  
BIRNEY MT 59012

Represents: BROWN CATTLE CO.

**PARTY OF RECORD**

LES HIRSCH  
HC 32 BOX 4311  
MILES CITY MT 59301

Represents: LES HIRSCH

**PARTY OF RECORD**

TED HIRSCH  
HC 32 BOX 4741  
MILES CITY MT 59301

Represents: TED HIRSCH

**PARTY OF RECORD**

NELLIE ISRAEL  
PO BOX 76  
JOLIET MT 59041 US

Represents: NELLIE ISRAEL

**PARTY OF RECORD**

R S KNUTSON, GENERAL CHAIRMAN  
UTU GO-245  
8250 W. 80TH AVENUE  
UNITS 7 & 8  
ARVADA CO 80005 US

Represents:  
UNITED TRANSPORTATION UNION -  
GENERAL COMMITTEE OF ADJUSTMENT  
GO-245

**PARTY OF RECORD**

PATRICK LANDERS  
HC 32 BOX 4731  
MILES CITY MT 59301 US

Represents: PATRICK LANDERS

**PARTY OF RECORD**

TERRY PUNT  
BONES BROTHERS RANCH  
PO BOX 505  
BIRNEY MT 59012 US

Represents: BONES BROTHERS RANCH

**PARTY OF RECORD**

T.L. UNGRICHT  
UTU-WYOMING STATE LEGISLATIVE  
BOARD  
1659 HIGHLAND AVE  
SHERIDAN WY 82801

Represents:  
UNITED TRANSPORTATION UNION -  
WYOMING STATE LEGISLATIVE BOARD

**PARTY OF RECORD**

STEPHEN VALENTINE III  
HILL HOUSE  
PO BOX 547  
BIRNEY MT 59012 US

Represents: STEPHEN VALENTINE III

**PARTY OF RECORD**

LONNIE J. WRIGHT  
DIAMOND CROSS RANCH LLC  
PO BOX 70  
BIG HORN WY 82833-0070

Represents: DIAMOND CROSS RANCH LLC

THE FOLLOWING NAMES SHOULD BE **REMOVED** FROM THE SERVICE LIST AS PARTIES OF RECORD:

D K BIRCHER  
LOCAL CHAIRMAN DIVISION 624  
1161 E HWY 14  
SHERIDAN WY 82832 US

Represents: BROTHERHOOD OF LOCOMOTIVE ENGINEERS, DIVISION 624

STEVEN A BRIGANCE  
LEBOEUF LAMB GREENE & MACRAE LLP  
1875 CONNECTICUT AV NW  
WASH DC 20009-5728 US

Represents: COMMONWEALTH EDISON COMPANY