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SEC

SERVICE DATE – FEBRUARY 12, 2009

SURFACE TRANSPORTATION BOARD

NOTICE

STB Docket No. AB-1020X

EAST PENN RAILROAD, LLC-ABANDONMENT EXEMPTION—IN BERKS AND
MONTGOMERY COUNTIES, PA

IN THE MATTER OF A REQUEST TO SET TERMS AND CONDITIONS

The following court action was instituted, on or about February 3, 2009, in the United States Court of Appeals for the Third Circuit, seeking judicial review of the Board's decision in the above-titled proceeding:

No. 09-1308

Berks County Board of Commissioners,

v.

Surface Transportation Board and United States of America

Anne K. Quinlan
Acting Secretary