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SEC

SERVICE DATE – SEPTEMBER 21, 2007

SURFACE TRANSPORTATION BOARD

NOTICE

STB Finance Docket No. 34797

NEW ENGLAND TRANSRAIL, LLC D/B/A
WILIMINGTON & WOBURN TERMINAL RAILWAY
—CONSTRUCTION, ACQUISITION AND OPERATION EXEMPTION—
IN WILMINGTON AND WOBURN, MA

The following court action was instituted, on or about September 11, 2007, in the United States Court of Appeals for the First Circuit, seeking judicial review of the Board's decision in the above-titled proceeding:

No. 07-2393

Commonwealth of Massachusetts

v.

Surface Transportation Board and United States of America

Vernon A. Williams
Secretary