

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 35853-0

SEA-3, INC. -EMERGENCY PETITION
FOR DECLARATORY ORDER

PETITION OF BOSTON AND MAINE CORPORATION &
SPRINGFIELD TERMINAL RAILWAY COMPANY FOR LEAVE
TO INTERVENE IN SUPPORT OF THE EMERGENCY PETITION FOR
DECLARATORY ORDER FILED BY SEA-3, INC. AND FOR LEAVE TO FILE MORE
SUBSTANTIVE ARGUMENTS AT A LATER DATE

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43999</u>
	DECIDED DATE: <u>8-28-14</u>
	SERVICE DATE: <u>8-29-14</u>
	APPROVED: <u>[Signature]</u> Acting Director
	<input checked="" type="checkbox"/> <u>Due date to respond</u> <u>extended to 9-5-14</u>

Robert B. Culliford
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North Billerica, MA 01862

Counsel for Boston and Maine
Corporation/Springfield Terminal Railway
Company

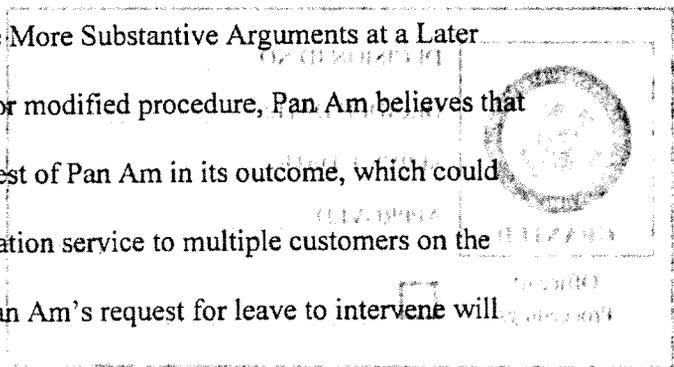
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Pursuant to 49 C.F.R. § 1112.4, the Boston and Maine Corporation and Springfield Terminal Railway Company (collectively "Pan Am") submit this Petition for Leave to Intervene in Support of the Emergency Petition for Declaratory Order filed by Sea-3, Inc. ("Sea-3") on August 4, 2014 (the "Petition") and for Leave to File More Substantive Arguments at a Later Date. Though this proceeding has not yet been set for modified procedure, Pan Am believes that this request is appropriate given the substantial interest of Pan Am in its outcome, which could affect the ability of Pan Am to provide rail transportation service to multiple customers on the Portsmouth and Newington Branches. Moreover, Pan Am's request for leave to intervene will not unduly disrupt the schedule for filing any verified statements, as no such schedule has yet been established, nor will Pan Am's request unduly broaden the issues raised by the Petition.



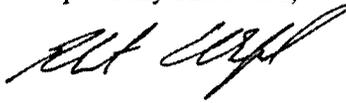
Rather, Pan Am submits that its involvement in this proceeding will focus and clarify the actual issues present, and further explain why Board involvement is necessary to resolve the issues.

While Pan Am seeks leave to intervene in support of the Petition, Pan Am notes that the Reply to Emergency Petition for Declaratory Order dated August 19, 2014 (the "Reply") by the City of Portsmouth ("Portsmouth") seems to substantially narrow the issues present in this proceeding. In response, Sea-3, Portsmouth and Pan Am have begun discussions towards a possible resolution of this matter.

Consequently, Pan Am files this Petition to Intervene for a number of reasons: (a) to preserve Pan Am's rights to participate in the ongoing proceeding; (b) to notify the Board that all parties are in discussions toward a mutually acceptable resolution; and (c) to request that Pan Am be permitted to submit more substantive arguments should ongoing discussions not be successful.

Therefore, Pan Am respectfully requests that it be permitted to intervene, and also requests leave to file more substantive comments, if necessary, within two weeks of today. Sea-3 and Portsmouth both assent to Pan Am's Petition.

Respectfully submitted,



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*Counsel for Boston and Maine Corp./ Springfield
Terminal Railway Co.*

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August, 2014, I served a copy of the foregoing Petition of Boston and Maine Corporation and Springfield Terminal for Leave to Intervene in Support of the Emergency Petition for Declaratory Order Filed by Sea-3, Inc. and for Leave to File More Substantive Arguments at a Later Date upon all parties of record in this proceeding by electronic mail and first class mail, postage prepaid.


Robert B. Culliford