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SEC

SERVICE DATE – JULY 16, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34953

MIDTOWN TDR VENTURES LLC–ACQUISITION EXEMPTION–AMERICAN PREMIER  
UNDERWRITERS, INC., THE OWASCO RIVER RAILWAY, INC., AND AMERICAN  
FINANCIAL GROUP, INC.

Decided: July 13, 2007

On November 7, 2006, Midtown TDR Ventures LLC (Midtown), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to acquire certain assets related to Grand Central Station in New York, NY, and a 156-mile line of rail, known as the Harlem-Hudson Line, (which accesses Grand Central Station) from American Premier Underwriters, Inc. (APU), APU's wholly owned subsidiary, The Owasco River Railway, Inc., and APU's parent, American Financial Group, Inc. Simultaneously, Midtown filed a motion to dismiss its notice of exemption, asserting that the transaction should not be subject to Board jurisdiction because the transaction would not, in its view, result in Midtown becoming a common carrier. On June 8, 2007, the Board issued a decision directing Midtown to submit additional information by July 9, 2007.

On July 10, 2007, Midtown filed a motion for an extension of time of 30 additional days, to file a response to the Board's decision. Midtown states that the extension is needed because it inadvertently misplaced the Board's order and needs additional time to prepare a response.

The extension request is reasonable. Accordingly, Midtown's motion for an extension of time for filing a response to the Board's decision will be granted.

It is ordered:

1. Midtown's motion for an extension of time for filing a response to the Board's decision is granted.

2. Midtown's response is due on August 8, 2007.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary