

THE BRITTAIN LAW FIRM, P.A.

ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITTAIN
MARY MADISON BRITTAIN LANGWAY
A. PRESTON BRITTAIN
T. CASE BRITTAIN, JR.

843-449-8562
FAX 843-497-6124
www.brittainlawfirm.com

October 11, 2013

234940

By Express Mail

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20024

ENTERED
Office of Proceedings
October 17, 2013
Part of
Public Record

RE: STB Finance Docket No. 34064, *Waccamaw Coast Line Railroad – Modified Rail Certificate*

Dear Ms. Brown:

Enclosed please find the original and ten (10) copies of Defendant's Reply in Opposition to Motion for Leave to Intervene of BP Amoco Chemical Company in the above-referenced matter.

Respectfully Submitted,



THOMAS C. BRITTAIN
A. PRESTON BRITTAIN
THE BRITTAIN LAW FIRM, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
(843) 449-8562
(843) 497-6124 (fax)
tommy@brittainlawfirm.com
preston@brittainlawfirm.com



cc: Michael F. McBride, Esq. (via Express Mail)
Thomas F. McFarland, Esq. (via Express Mail)
Mike Ogborn (via U.S. First Class Mail)
James Burnley (via U.S. First Class Mail)

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. 34064

WACCAMAW COAST LINE RAILROAD-
MODIFIED RAIL CERTIFICATE

REPLY IN OPPOSITION TO MOTION FOR LEAVE TO INTERVENE
OF BP AMOCO CHEMICAL COMPANY

Attorneys for Defendant

THOMAS C. BRITTAIN
A. PRESTON BRITTAIN
THE BRITTAIN LAW FIRM, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
(843) 449-8562
(843) 497-6124 (fax)
tommy@brittainlawfirm.com
preston@brittainlawfirm.com

Date: October 11, 2013

**REPLY IN OPPOSITION TO MOTION FOR LEAVE TO INTERVENE
OF BP AMOCO CHEMICAL COMPANY**

The Defendant, Waccamaw Coast Line Railroad, a division of the Baltimore and Annapolis Railroad d/b/a Carolina Southern Railroad Company, hereinafter designated as “WCLR” responds to the Motion for Leave to Intervene of BP Amoco Chemical Company, hereinafter designated as “BP” as follows:

1

WCLR would rely on its Answer to Formal Complaint filed with the Surface Transportation Board on September 24, 2013 in responding to the allegations contained in the Motion of BP.

2

That the allegations of paragraph 1 are admitted.

3

That the allegations of paragraph 2 are admitted insofar as they acknowledge BP has sought leave to intervene in support of Complainants. The remaining allegations of paragraph 2 are denied with strict proof required thereof should a hearing become necessary.

4

That the allegations of paragraphs 3, 4 and 5 are admitted insofar as WCLR has been unable to transport the 17 rail covered hopper cars (“hopper cars”) to the interchange due to the fact the rail line is shut down. The remaining allegations of these Paragraphs are denied with strict proof required thereof should a hearing become necessary. Furthermore, WCLR has made

these hopper cars available to BP at all times for transportation by truck from their current location.

5

That the allegations of paragraph 6 are admitted.

6

That the allegations of paragraph 7 must be proved by the Complainants should a hearing become necessary and that WCLR has remained ready, willing and able to work with BP to make arrangements for them to transport their hopper cars. That WCLR is in the process of trying to reach a sale for fair value so that another operator can continue the rail operation.

7

That the allegations of paragraph 8 are beyond the knowledge of this answering Defendant and, therefore, this Defendant would require proof thereof should a hearing become necessary.

8

That the allegations of paragraph 9 must be proved by the Complainants should a hearing become necessary and that WCLR has remained ready, willing and able to work with BP to make arrangements for them to transport their hopper cars. That WCLR is in the process of trying to reach a sale for fair value so that another operator can continue the rail operation.

9

That WCLR would request a stay on any further proceedings until WCLR has had a reasonable time to exhaust efforts to sell the rail line while at the same time attempting to obtain financing for necessary repairs and would further request assistance from the Surface

Transportation Board to mediate and/or negotiate a sale for fair value to a motivated buyer suitable to all parties.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas C. Brittain", is written over a horizontal line.

THOMAS C. BRITTAIN
A. PRESTON BRITTAIN
THE BRITTAIN LAW FIRM, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
(843) 449-8562
(843) 497-6124 (fax)

Attorneys for Defendant

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. 34064

Waccamaw Coast Line Railroad – Modified Rail Certificate

I, Allison L. Lazar, hereby certify that I am an employee of The Brittain Law Firm, P.A., attorney for Defendant Waccamaw Coast Line Railroad and that I caused to be mailed by U.S. Express Mail this day, October 11, 2013, the documents listed below in the above entitled action to the parties set out below:

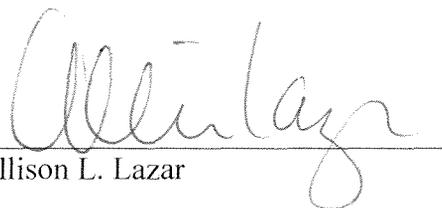
DOCUMENTS: Reply in Opposition to Motion for Leave to Intervene of BP Amoco Chemical Company

PARTIES:

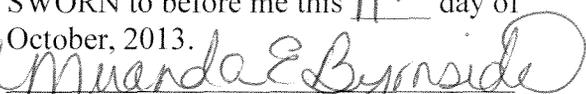
Thomas F. McFarland, Esquire
Thomas F. McFarland, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112

Michael F. McBride, Esquire
Van Ness Feldman, LLP
1050 Thomas Jefferson Street,
NW, Suite 700
Washington, DC 20007-3877




Allison L. Lazar

SWORN to before me this 11th day of
October, 2013.


Notary Public for South Carolina

My Commission Expires: May 9, 2023