

231505



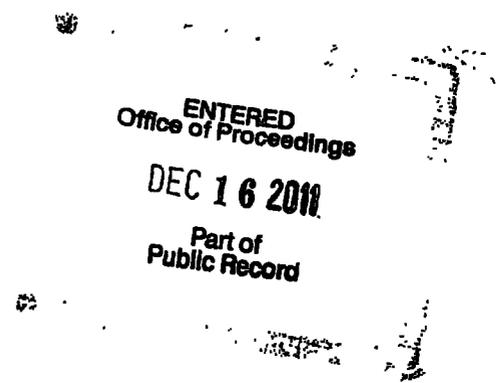
DURHAM JONES & PINEGAR, P.C.  
111 East Broadway, Suite 900  
P O Box 4050  
Salt Lake City, Utah 84110  
801.415.3000  
801.415.3500 Fax  
www.djplaw.com

Bret F. Randall  
Attorney at Law  
(801) 297-1301 direct  
brandall@djplaw.com

December 16, 2011

By e-filing

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



**Re: STB Finance Docket No. 34896, PIC Railroad, Inc. – Lease and Operation Exemption – Union Pacific Railroad**

Dear Ms. Brown:

Reference is made to the Board's Notice of Exemption, adopted on September 14, 2006 in the above-referenced proceeding.

The purpose of this letter is to provide the Board with notice of certain matters relating to this proceeding, as follows:

1. Effective December 15, 2011, PIC Railroad, Inc., a Utah corporation, has adopted the business name of Comstock Mountain Lion Railroad and will be conducting business under that name;
2. Effective December 15, 2011, the Association of American Railroads issued PIC Railroad, Inc. dba Comstock Mountain Lion Railroad the reporting mark CMRR;
3. Effective December 15, 2011, CML Metals Corporation, the sole shipper on the short line at issue in these proceedings (the Comstock Subdivision), terminated its rail shipping contract with Utah Southern Railroad Company based on Utah Southern Railroad Company's uncured material breaches of contract, including

grossly inadequate rail shipping service to meet the needs and requirements of both CML Metals Corporation and Union Pacific Railroad;

4. Effective December 15, 2011, CML Metals Corporation requested that PIC Railroad, Inc. dba Comstock Mountain Lion Railroad operate the Comstock Subdivision, in fulfillment of its common carrier obligations pursuant to the above-referenced Notice of Exemption and its status as a Class III railroad;
5. Union Pacific Railroad, the owner and lessor of the Comstock Subdivision, has been provided with notice of the termination of the rail shipping agreement between CML Metals Corporation and Utah Southern Railroad Company;
6. The new business address for PIC Railroad, Inc. dba Comstock Mountain Lion Railroad is 1957 West Royal Hunte Drive, Suite 200, Cedar City, Utah 84720 and its telephone number at that office is (435) 586-5360;
7. The new legal representative for PIC Railroad, Inc. dba Comstock Mountain Lion Railroad in this proceeding is Bret F. Randall, Durham, Jones & Pinegar, P.C., 111 East Broadway, Suite 900, Salt Lake City, Utah 84111; phone: (801) 415-3000; and
8. CML Metals Corporation, the sole shipper on the Comstock Subdivision has been provided notice of the foregoing information.

Very truly yours,

**DURHAM JONES & PINEGAR, P.C.**



Bret F. Randall

BFR/tms

cc: Mr. Thomas McFarland, by email to [mcfarland@aol.com](mailto:mcfarland@aol.com)  
Mack Shumate, Esq., by email to [mackshumate@up.com](mailto:mackshumate@up.com)  
Mr. Ray Allamong, by email to [reallmo@up.com](mailto:reallmo@up.com)  
Mr. Kenneth Glascock, by email to [ken@cmlmetals.com](mailto:ken@cmlmetals.com)