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January 9, 2014

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Office of Proceedings

January 28, 2014

Part of

Public Record

The Honorable Cynthia T. Brown, Chief
Section of Administration
Surface Transportation Board
395 E Street, S.W., Ste. 1260
Washington, DC 20423-0001

Re: Finance Docket No. AB-1110; Lackawaxen-Honesdale Shippers Association, Stourbridge Railroad Company and Delaware, Lackawaxen and Stourbridge Railroad Company – Adverse Discontinuance of Operating Authority – Morristown & Erie Railway d/b/a Stourbridge Railway for M.P. 0.0 at Lackawaxen, PA to M.P. 24.8 at Honesdale, PA

Dear Ms. Brown:

Attached please find our letter of November 6, 2013 which was filed with the Board in response to correspondence received from counsel from Morristown & Erie Railway, Inc. A review of the STB website's recent filings in this docket, indicate that this letter has not been posted and perhaps may not have been received by the Board. Accordingly, we respectfully request that this replacement letter be entered of record in the above captioned docket in order that the Board's file will contain a complete record of correspondence in this proceeding.

Thank you for your prompt attention to this matter.

Very truly yours,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.
Attorney for Lackawaxen-Honesdale Shippers Association and the Delaware Lackawaxen and Stourbridge Railroad Company

RRW/bab

xc: Lackawaxen-Honesdale Shippers Association

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November 6, 2013

The Honorable Cynthia T. Brown, Chief
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395 E Street, S.W., Ste. 1260
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Re: Finance Docket No. AB-1110; Lackawaxen-Honesdale Shippers Association, Stourbridge Railroad Company and Delaware, Lackawaxen and Stourbridge Railroad Company – Adverse Discontinuance of Operating Authority – Morristown & Erie Railway d/b/a Stourbridge Railway for M.P. 0.0 at Lackawaxen, PA to M.P. 24.8 at Honesdale, PA

Dear Ms. Brown:

This letter is in response to the November 6, 2013 correspondence received from counsel for Morristown & Erie Railway, Inc. (“M&E”) in connection with the above captioned proceeding.

This is a second effort on behalf of M&E to conflate its dispute regarding M&E’s termination of its Operating Agreement with Stourbridge Railroad Company (“SRC”) into a mediation session with the Lackawaxen-Honesdale Shipper Association and the Delaware Lackawaxen and Stourbridge Railroad Company (“DL&S”). Neither the Shipper Association nor DL&S are parties to M&E’s Operating Agreement with SRC and based on that fact alone, neither the Shipper Association nor DL&S would have any basis to participate in a mediation session.

Moreover, the dispute between M&E and SRC is a civil contract dispute which is beyond the jurisdiction of the Board to mediate. Accordingly, until M&E and SRC resolve their contractual issues through appropriate judicial or arbitration proceedings under state law, it is difficult to see what productive role STB mediation could have in this matter.

As the Board is well aware, once operating authority has been granted to a common carrier railroad, that railroad has the continuing obligation to provide common carrier rail service on the line of a non-operating owner irrespective of the termination of the Operating Agreement.

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If, as M&E counsel represents, his client is “ready, willing and able” to provide rail service on the line when contacted by a shipper or a connecting carrier, then it should do so. No mediation is necessary for M&E to comply with its common carrier obligations.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script that reads "Richard R. Wilson".

Richard R. Wilson, Esq.
Attorney for Lackawaxen-Honesdale Shippers
Association and the Delaware Lackawaxen and
Stourbridge Railroad Company

RRW/bab

xc: Morristown & Erie Railroad, Inc.
John K. Fiorella, Esq.
Stourbridge Railroad Company