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THOMAS F. MCFARLAND

July 11, 2013

*By e-filing*

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

Re: Finance Docket No. 35683, *ABE Fairmont, LLC -- Acquisition and Operation Exemption -- BNSF Railway Company*

Dear Ms. Brown:

Please refer to the Notice of Exemption served by the Board in the above proceeding on October 31, 2012.

Applicant ABE Fairmont, LLC (ABE) incorrectly identified one of the terminal points of the acquisition and operation as a point of connection with the main line of BNSF Railway Company (BNSF) at BNSF main line Milepost No. 114.73. That terminal point should have been identified as Milepost No. 0.93, a point on BNSF's branch line at Fairmont, NE.

The length of track actually acquired and operated is approximately 0.77 miles (i.e., between Milepost Nos. 1.70 and 0.93). That length is less than the track incorrectly identified in the Notice of Exemption, which was referred to as "an approximately 1.0-mile rail line."

It should be noted that BNSF retained trackage rights over the rail line between Milepost No. 0.93 and Milepost No. 1.70 in order to provide rail service to The Andersons, Inc. at Milepost No. 1.30 and ABE at Milepost 1.70.

The Board is respectfully requested to update its records to reflect the foregoing.

Very truly yours,



Thomas F. McFarland  
*Attorney for ABE Fairmont, LLC*

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