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Ms. Cynthia Brown, Section Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: STB Docket No. AB 1242, Hartwell First United Methodist
Church—Adverse Abandonment and Discontinuance—
Hartwell Railroad Company and The Great Walton Railroad
Company, Inc., In Hart County, GA

Dear Ms. Brown:

This letter is submitted on behalf of Hartwell Railroad Company (HRC) and The Great Walton Railroad Company, Inc. (GWRC), by its undersigned counsel, in regards to the petition for waivers and exemption filed by Hartwell First United Methodist Church (Hartwell First). HRC and GWRC do not oppose Hartwell First's request for waiver to the extent it is consistent with Board decisions granting waiver requests in previous adverse abandonment proceedings. However, HRC and GWRC do not assent to any waiver request that is not consistent with Board precedent and procedure. HRC and GWRC request the Board evaluate whether to grant any waiver that Hartwell First requests based on precedent and the Board's requirements for filings in this type of case.

With respect to Hartwell First's request that the requirements of Section 1152.22(c), which would require a detailed description of the service provided by the carrier, should be waived, HRC and GWRC have no objection to the general request. However, they contend that the claim that "there has been no freight service" for over 20 years is erroneous and should be disregarded by the Board.

In stating their lack of opposition to the petition for waiver to the extent it is consistent with past precedent, HRC and GWRC do not acquiesce in or waive its right to object to or reply to any factual or legal assertion made in the petition for waiver in submissions on the merits of the application. Without limitation on its right to make any other argument, they assert that Harwell First should be required to fully support its position, factually and legally, in its

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application. Applicant should be required to prove its case in conformity with applicable legal precedent such as *Modern Handcraft, Inc. – Aband.*, 363 I.C.C. 969 (1981) and later ICC, STB and court decisions.

Because HRC and GWRC intend to oppose Hartwell First's adverse abandonment application, please enter my appearance as counsel for HRC GWRC. A copy of this letter is being served on Eric M. Hockey, who is counsel for Hartwell First, at ehockey@clarkhill.com.

Respectfully submitted,



Richard H. Streeter

RHS:rs

Cc: Bennie Ray Anderson
Eric Hockey