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May 21, 2013

234282

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

ENTERED
Office of Proceedings
May 21, 2013
Part of Public
Record

Re: Finance Docket No. 35735, *Keenesburg Direct Railroad, LLC -- Acquisition and Operation Exemption -- J D East, LLC*

Dear Ms. Brown:

Keenesburg Direct Railroad, LLC (KDR) hereby respectfully petitions for leave to withdraw the Notice of Exemption under 49 C.F.R. § 1150.31 that it filed with the Board on April 16, 2013.

The Board will permit a Notice of Exemption to be withdrawn by petition where the applicant (1) has not consummated the underlying transaction; (2) has not held itself out as a common carrier railroad; and (3) no longer intends to go through with the transaction. *See Chicago, Peoria & Western Ry. Co. -- Acq. Exempt. -- Rail Line of Corn Products International, Inc.*, F.D. No. 34289, decision served April 22, 2003; *Port of Ivory, LLC -- Oper. Exempt. -- Line of Railroad in Tulare County, CA*, F.D. No. 35475, decision served June 27, 2011; and *Sierra Northern Ry. -- Acq. & Oper. Exempt. -- Union Pacific R. Co.*, F.D. No. 35490, decision served Feb. 16, 2012. Withdrawal of the Notice of Exemption in those circumstances is consistent with the principle that exemption authority is permissive, not mandatory.

WHEREFORE, KDR's Notice of Exemption should be withdrawn.

Very truly yours,



Thomas F. McFarland
*Attorney for Keenesburg
Direct Railroad, LLC*

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cc: *(by e-mail)*

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