

LAW OFFICES
FRITZ R. KAHN, P.C.
1920 N STREET, NW. (8TH FL.)
WASHINGTON, DC 20036
Tel.: (202) 263-4152 Fax: (202) 331-8330
e-mail: xlccgc@verizon.net

231644

January 10, 2012

VIA ELECTRONIC FILING

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

ENTERED
Office of Proceedings

JAN 10 2012

Part of
Public Record

Dear Ms. Brown:

This refers to Docket No. AB 1095X, SMS Rail Service, Inc. -- Adverse Discontinuance of Service Exemption -- Gloucester County NJ, and to the Petition of Paulsboro Refining Company LLC for Adverse Discontinuance of Service Exemption, filed January 9, 2012.

The Petition requires rejection by the Board, pursuant to 49 C.F.R. §1104.10(a), for its failure to comply with the Board's rules.

Notice of the proposed discontinuance was not published in a newspaper of general circulation in Gloucester County, as required by the Appendix to 49 C.F.R. §1105.12.

Notice of the proposed discontinuance was not served on the designated officials ten days in advance of the filing of the Petition, as required by 49 C.F.R. §1152.50(d).

A copy of the Petition was not served via overnight delivery on Mr. Jeffrey L. Sutch, contrary to the Certificate of Service, in violation of 49 C.F.R. §1104.12(c)

I certify that I have served this letter upon Paulsboro Refining Company by e-mailing a copy to its counsel, Eric M. Hocky, Esq., at ehocky@thorpreed.com.

Sincerely yours,


Fritz R. Kahn