

LAW OFFICES
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Office of Proceedings
December 5, 2013
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December 5, 2013

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

Re: Docket No. FD 35779, Grafton & Upton Railroad Company
--Petition for Declaratory Order

Dear Ms. Brown:

The letter of CSX Transportation filed earlier today purports to be in support of the Petition for Declaratory Order filed by the Grafton & Upton Railroad Company on October 25, 2013.

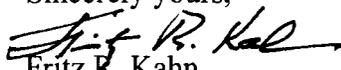
Pursuant to 49 C.F.R. § 1104.13(a), “[a] party may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided.”

CSX Transportation's letter was filed 21 days after its due date. Since the filing does not comport with the Board's rules, the Board should reject the letter, pursuant to 49 C.F.R. § 1104.10(a).

I certify that I this day have served a copy of this letter upon each party of record via e-mail.

If you have any question concerning this letter or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

cc: James E. Howard, Esq.
Linda J. Morgan, Esq.
Keith T. Borman, Esq.
Paul R. Hitchcock, Esq.