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April 10, 2012

The Honorable Cynthia T. Brown  
Chief - Section of Administration  
Surface Transportation Board  
395 E Street SW, Room 100  
Washington, D C 20024

232176

ENTERED  
Office of Proceedings  
April 11, 2012  
Part of  
Public Record

Re: STB Finance Docket No.# 35496

Denver and Rio Grande Railway Historical Foundation  
d/b/a Denver and Rio Grande Railway, LLC

Petition for a Declaratory Order

Dear Ms. Brown:

I am Colorado counsel for Mr. Donald H Shank, a resident of Monte Vista, CO. My client is the President and Executive Director of the Denver and Rio Grande Railway Historical Foundation (DRGRHF). The Foundation is currently engaged litigating in the above captioned proceeding.

On Monday, April 2nd, 2012, the US Surface Transportation Board, through the Office of the Director of Proceedings, issued a decision in the above captioned matter. In that decision, the Board granted a request by the DRGRHF to extend the deadline for filing its opening statement until April 9th, 2012.

Late in the day on April 5th, 2012, I received a phone call from Mr. Donald Shank requesting production of certain documents I had in my possession. Due to the Easter holiday weekend, I was traveling and was unable to retrieve and transmit the documents he needed. Upon my return to the office on Monday, April 9th, I was able to locate and transmit the documents he requested.

I have come to learn that the delay, over the holiday weekend, in retrieving those documents produced a slight delay in the DRGRHF's ability to submit its filing by the April 9th deadline. It is my understanding that the DRGRHF is filing its Opening statement today, along with a motion to late file its pleading. I would respectfully ask that

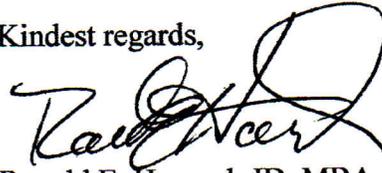
the Board look favorably upon the request. Normally, I would have been more than happy to have accommodated Mr. Shank's request in an expeditious manner. However, due to my travel plans, I was unable to alter my trip to accommodate his request.

This proceeding is important to my client. As discussed in the Foundation's brief, my client has much riding on the outcome of this proceeding. I would ask that the Board not hold the slight delay against my client.

Also, I request that I be added to the service list as a courtesy. I can be reached at the address provided in the letterhead above.

If you have any questions or concerns regarding this correspondence, please do not hesitate to contact me.

Kindest regards,

A handwritten signature in black ink, appearing to read "Ronald E. Howard". The signature is stylized with a large, looping initial "R" and "H".

Ronald E. Howard, JD, MBA  
Attorney at Law

## CERTIFICATE OF SERVICE

I, Donald H. Shank, do hereby certify, under penalty of perjury, that a copy of the foregoing letter of Ronald E. Howard, Esq., was served, via 1<sup>st</sup> Class United States Mail, on this, the 11<sup>th</sup> day of April, 2012, upon the following parties:

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Respectfully Submitted,

Donald H. Shank /s/

Donald H. Shank