



Mack H. Shumate, Jr  
Senior General Attorney, Law Department

November 19, 2008

224015

**VIA E-FILING**

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation  
395 E. Street S.W., Room 1149  
Washington, D C 20024

**UNION PACIFIC RAILROAD COMPANY'S RESPONSE TO  
NEVADA CENTRAL RAILROAD'S MOTION TO STRIKE**

**Re: Proposed Abandonment of the Flanigan Industrial Lead from M.P. 338.33 near Flanigan, Nevada to M.P. 360.10 near Wendel, California, a total distance of 21.77 miles in Washoe County, Nevada and Lassen County, California; and of the Susanville Industrial Lead from M.P. 358.68 to M.P. 359.25 near Wendel, California, a Total Distance of 0.57 Miles in Lassen County, California; STB Docket Number Ab-33(Sub-No.230X)**

Dear Ms Quinlan:

In compliance with the Board's decision dated August 5, 2008 in the above-referenced matter, Union Pacific Railroad Company ("UP") by a Certification dated and e-filed with the Board on August 15, 2008, provided the Nevada Central Railroad ("NCR") through its registered agent, Mr. Robert Alan Kemp, Chairman and CEO, Aviation Technologies Ltd., Acting Representative and Legal Resident Agent for Nevada Central Railroad, 4959 Talbot Lane, Unit #69, Reno, Nevada 89509, (The same address noted by NCR on the subject Motion to Strike) the documentation ordered by the Board to be delivered to NCR

On August 19, 2008, by Clarification to Certification, UP notified the Board that United Parcel Service ("UPS") informed UP that UPS was unable to deliver the Certification to NCR at the address referenced in the paragraph above because NCR had moved and that no forwarding address was given Telephone calls by both UP and UPS to NCR resulted in the response that the phone was no longer in service and no forwarding number was available (See UP's Clarification to Certification filed with the Board on August 19, 2008.) It is important to note that this is the same address that NCR has continued to use in the subject Motion to Strike as its "Administrative Office"

UP was then contacted by phone by Mr. Alan Kemp of NCR and instructed to send the Certification filing documentation to NCR's out-of-state agent, Mr. Joseph McNaulty, 45 Lakeview Avenue, Bay Shore, New York 11706. UP's Raymond Allamong, Senior Manager Rail Line Planning, forwarded the Certification filing documentation to said Joseph McNaulty by UPS next day air service on September 3, 2008. This documentation was delivered on

Honorable Anne Quinlan  
November 19, 2008  
Page 2

September 5, 2008 at 9:45 a.m. (See shipping documents and tracking and delivery detail marked Exhibit "A" and hereby made a part hererof.)

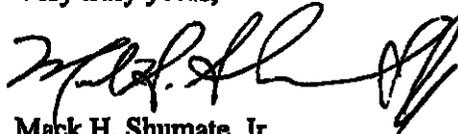
As affirmed by NCR in the subject Motion to Strike, the Administrative Office located at 4959 Talbot Lane, Unit #69, Reno, Nevada 89509 is, and appears to have been since April 16, 2007, the legal address for purposes of service of process for NCR (See Exhibit "B" to UP's Clarification to Certification e-filed with the Board on August 19, 2008 )

Not only has UP served the required documentation on NCR, the information was obviously used by NCR after delivery to Mr. Joseph McNaulty on September 5, 2008 when NCR filed its Offer of Financial Assistance with the Board on September 15, 2008 Moreover, the required documentation has been available as a public record since August 15, 2008 at the Board's website.

NCR's Motion to Strike is defective on its face, without merit and clearly an inappropriate filing based on the foregoing and the Board's public record in this matter. UP has previously responded to NCR's unfounded and outrageous claims and allegations of impropriety against UP, the Board and Board Staff members.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board deny Nevada Central Railroad's Motion to Strike dated November 11, 2008 and filed with the Board on November 12, 2008. Union Pacific desires to consummate the subject abandonment as soon as practicable in accordance with the Board's prior decisions in this matter

Very truly yours,



Mack H. Shumate, Jr  
Senior General Attorney

cc: Robert Alan Kemp <Via e-mail/U S Mail>

		<b>UPS Next Day Air™</b> <b>UPS Worldwide Express™</b>	
Shipping Document			
<small>See instructions on back. Visit <a href="http://UPS.com">UPS.com</a> or call 1-800-PICK-UPS (800-742-5877) for additional information and Terms and Conditions.</small>			
TRACKING NUMBER		1Z 635 800 22 1278 969 3	
SHIPMENT FROM			
SHIPPER'S UPS ACCOUNT NO.	6 3 5 8 0 0		
REFERENCE NUMBER			
COST CENTER:		97471	
NAME	TELEPHONE		
<i>Raymond A. Alway</i>	402-544-3311		
COMPANY			
UPRR-STOP CODE:		1350	
STREET ADDRESS			
1400 DOUGLAS ST.			
CITY AND STATE		ZIP CODE	
OMAHA		NE 68179 0001	
EXTREMELY URGENT DELIVERY TO			
NAME	TELEPHONE		
<i>Joseph McNaulty</i>	715 287-3681		
COMPANY			
STREET ADDRESS		DEPT./FLR.	ZIP CODE
<i>45 Lakeside Avenue</i>			
CITY AND STATE (INCLUDE COUNTRY IN INTERNATIONAL)		ZIP CODE	
<i>Bay Shore NY</i>		<i>11706</i>	

3	WEIGHT Enter "LTR" Letter	DIMENSIONAL WEIGHT If Applicable	LARGE AIR PACKAGE	4	SHIPPER RELEASE	
5	TYPE OF SERVICE			CHARGES		
	<input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)			\$		
	<small>FOR WORLDWIDE EXPRESS SHIPMENTS Mark as "X" in this box if shipment only contains documents of no commercial value.</small>			\$		
6	<input type="checkbox"/> SATURDAY PICKUP <input type="checkbox"/> SATURDAY DELIVERY			\$		
	<input type="checkbox"/> DECLARED VALUE FOR CARRIAGE <small>Amount to be paid by carrier if loss or damage occurs. See instructions.</small>			\$	AMOUNT	
	<input type="checkbox"/> C.O.D. <small>Collect on Delivery. Amount to be paid by addressee. See instructions.</small>			\$	AMOUNT	
7	ADDITIONAL HANDLING CHARGE			\$		
	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.			\$		
TOTAL CHARGES						
\$						
8	METHOD OF PAYMENT					
	<input type="checkbox"/> Bill Shipper Account (Payable to Shipper)	<input type="checkbox"/> Bill Receiver (Payable to Receiver)	<input type="checkbox"/> Bill Third Party (Payable to Third Party)	<input type="checkbox"/> CREDIT CARD	<input type="checkbox"/> AMERICAN EXPRESS <small>Member Card</small>	<input type="checkbox"/> CHECK
<small>9 RECEIVERS/THIRD PARTY'S UPS ACC'T NO OR MAJOR CREDIT CARD NO.      EXPIRATION DATE</small>						
<small>THIRD PARTY'S COMPANY NAME</small>						
<small>STREET ADDRESS</small>						
<small>CITY AND STATE</small>			<small>ZIP CODE</small>			
<small>10 SHIPPER'S SIGNATURE</small>						
<i>X Raymond A. Alway</i>					<small>DATE OF SHIPMENT</small> <i>9/2/08</i>	
<small>0101811202808 1/05 MW</small>						
SHIPPER'S COPY						

Mr. McNulty:  
This material was redirected  
to your address at the request  
of Mr. Kemp.

Ray Allamong  
UPRR

Close Window



## Tracking Detail

**Your package has been delivered.**

Tracking Number      1Z 635 800 22 1278 969 3  
 Type                    Package  
 Status                 Delivered  
 Delivered On         09/05/2008 9:45 A.M  
 Signed By             HYMAN  
 Location:             RECEIVER  
 Delivered To         BAY SHORE, NY, US  
 Service                NEXT DAY AIR

Package Progress			
Location	Date	Local time	Description
FARMINGDALE, NY, US	09/05/2008	9:45 A.M.	DELIVERY
	09/05/2008	8:11 A.M.	OUT FOR DELIVERY
	09/05/2008	7:35 A.M.	ARRIVAL SCAN
JAMAICA, NY, US	09/05/2008	6:36 A.M.	DEPARTURE SCAN
	09/05/2008	6:21 A.M.	ARRIVAL SCAN
LOUISVILLE, KY, US	09/05/2008	4:19 A.M.	DEPARTURE SCAN
	09/05/2008	12:36 A.M.	ARRIVAL SCAN
ALBANY, GA, US	09/04/2008	11:13 P.M.	DEPARTURE SCAN
	09/04/2008	9:28 P.M.	ARRIVAL SCAN
	09/04/2008	9:17 P.M.	DEPARTURE SCAN
	09/04/2008	8:43 A.M.	INCORRECT ROUTING AT UPS FACILITY / THE PACKAGE WAS MISSORTED AT THE HUB. IT HAS BEEN REROUTED TO THE CORRECT DESTINATION SITE
	09/04/2008	6:43 A.M.	ARRIVAL SCAN
	09/04/2008	6:25 A.M.	DEPARTURE SCAN
	09/04/2008	5:34 A.M.	ARRIVAL SCAN
LOUISVILLE,	09/04/2008	4:15 A.M.	DEPARTURE SCAN

KY, US	09/04/2008	12:48 A M	ARRIVAL SCAN
OMAHA, NE, US	09/03/2008	10 05 P M	DEPARTURE SCAN
	09/03/2008	9 38 P M	DEPARTURE SCAN
	09/03/2008	8 35 P M	ORIGIN SCAN
	09/03/2008	7 22 P M	PICKUP SCAN

Tracking results provided by UPS 09/05/2008 1:41 P M ET

**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited

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