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Before the Surface Transportation Board

Kettle Falls International Rwy)
Abandonment Exemption -) AB ~~994~~ 994
in Ferry County, WA)

Motion for 49 Day Extension
in NITU Negotiation Period

Fee Waiver for local government (49 C.F.R. 1002.2(f)(1))

Action Requested by October 31, 2008

Ferry County (WA) moves, with the consent of Kettle Falls International Railway LLC (per its counsel, Mr. Karl Morell), for a 49-day extension in the NITU negotiation period applicable in this proceeding.

Pursuant to 49 C.F.R. 1002.2(f)(1), "[f]iling fees are waived for an application ... which is filed by ... a ... local government entity." Ferry County (WA) is a unit of local government in the State of Washington. Consistent with prior fee waivers for the County which the Board has granted in this proceeding, Ferry County requests waiver of the filing fee for this NITU extension pursuant to the cited regulation.

Background for motion for extension. The NITU negotiation currently expires on October 31, 2008. See Decision, this docket, served April 18, 2008. The Board grants extensions where the carrier consents, as it has here. The extension here will foster the preservation of this corridor for future rail use and interim trail use. This is the only truly viable potential

future rail corridor into Ferry County. The parties recently completed revision of the contract and are reviewing final documentation for a closing. Ferry County wishes to afford one more opportunity for public input on the railbanking project in light of the contract revisions. Completion of this task before expiration of the current NITU on October 31, 2008, would be difficult. The parties, however, expect all work to be completed no later than December 19, 2008.

If the 49-day extension is granted, the NITU negotiation period will expire on or about December 19, 2008.

Because the existing NITU negotiation period expires on October 31, 2008, Ferry County requests that the extension requested herein be ordered prior to that date in order to minimize possible confusion.

Conclusion

For the reasons stated, this Board should extend the NITU negotiation period for 49 days through and including December 19, 2008.

Respectfully submitted,

Charles H. Montange
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Seattle, WA 98177
(206) 546-1936
For Ferry County

Certificate of Service

By my signature below, I certify service by email attachment and U.S. Mail, postage pre-paid first class, upon Karl Morell, Esq., counsel for Kettle Falls International Railway, postage pre-paid, first class, this 20th day of October, at Ball Janik, 1455 F Street, NW, Suite 225, Washington, D.C. 20005.

_____ Charles H. Montange