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EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

1300 I STREET, SUITE 125
P O BOX 944255
SACRAMENTO, CA 94244-2550

Public (916) 445-9555
Telephone (916) 324-5475
Facsimile (916) 327-2319
E-Mail Susan.Durbin@doj.ca.gov

November 13, 2008

Honorable Ann K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001



RE United States Department of Energy -- Rail Construction and Operation
- Caliente Rail Line in Lincoln, Nye, and Esmeralda Counties, Nevada
STB Finance Docket No. 35106

Dear Acting Secretary Quinlan:

Enclosed for filing on behalf of the State of California in the above-captioned docket is the State of California's Notice of Intent to Appear at Hearing on December 4, 2008. Enclosed is an original and 10 copies. We have also enclosed two extra copies. Please file the original and return the extra two endorsed copies in the enclosed self-addressed, stamped envelope. Thank you for your assistance in this matter.

Sincerely,

SUSAN L. DURBIN
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

SLD.bw

Enclosures

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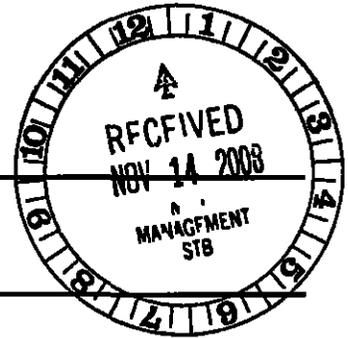
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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 35106



**UNITED STATES DEPARTMENT OF ENERGY
RAIL CONSTRUCTION AND OPERATION
CALIENTE RAIL LINE IN LINCOLN, NYE,
AND ESMERALDA COUNTIES, NEVADA**

**STATE OF CALIFORNIA'S
NOTICE OF INTENT TO APPEAR AT
HEARING ON DECEMBER 4, 2008**

Edmund G Brown Jr
Attorney General
Ken Alex
Senior Assistant Attorney General
Susan Durbin
Brian Hembacher
Timothy Sullivan
Deputy Attorneys General
1300 I Street
P O. Box 944255
Sacramento, CA 94244-2550
(916) 324-5475
Fax (916) 327-2319
e-mail: Susan.Durbin@doj.ca.gov
Attorneys for the State of California

William Chamberlain
General Counsel
Kevin Bell
Senior Staff Counsel
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
(916) 654-3855
Fax: (916) 654-3843
e-mail kwbell@energy.state.ca.us

TO THE HONORABLE BOARD AND ALL PARTIES OF RECORD, PLEASE TAKE
NOTICE that the State of California will appear at the public hearing in this matter noticed by
the Surface Transportation Board for December 4, 2008, and will present comments. The
proposed speaker is Susan Durbin. California requests fifteen (15) minutes of time to address the
Board, and will respond to any questions the Board may have.

Dated. November 13, 2008

Respectfully submitted,



By Susan L. Durbin

Edmund G. Brown Jr
Attorney General
Ken Alex
Senior Assistant Attorney General
Susan Durbin
Brian Hembacher
Timothy Sullivan
Deputy Attorneys General
1300 I Street
P O Box 944255
Sacramento, CA 94244-2550
(916) 324-5475
Fax (916) 327-2319
e-mail Susan.Durbin@doj.ca.gov

William Chamberlain
General Counsel
Kevin Bell
Senior Staff Counsel
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
(916) 654-3855
Fax: (916) 654-3843
e-mail kwbell@cncrgy.state.ca.us

Attorneys for the State of California

CERTIFICATE OF SERVICE

Case Title **UNITED STATES DEPARTMENT OF ENERGY—RAIL
CONSTRUCTION AND OPERATION—CALIENTE RAIL
LINE I N LINCOLN, NYE, AND ESMERALDA COUNTIES, NV**

DOCKET NO FD_35106_0

I, Susan L Durbin, hereby certify that I caused to be served a true and corrct copy of the State of California's Notice of Intent to Appear at the Hearing on December 4, 2008 on each party of record on the attached list by first class mail

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 13, 2008, at Sacramento, California

Susan L Durbin

Declarant



Signature

List of Parties of Record
November 13, 2008

George A. Aspatore
General Solicitor-Regulation
Norfolk southern Corporation Three
Commercial Place
Norfolk, VA 23510

Honorable Shelley Berkley
U S House of Representatives
405 Cannon House Office Building
Washington, DC 20515

Georgory Barlow, Esq
Lincoln County District Attorney
P O Box 90
Pioche, NV 89043

Nancy Boland
PO Box 146
Silver Peak, NV 89047

Mike Baughman
Intertech Services Corporation
P O Box 2008
Carson City, NV 89702

John Brown, Esq
Brown and Frehner, LLP
P O Box 656
Alamo, NV 89001

Michael A Bauser
Nuclear Energy Institute
1776 I Street, N.W, Suite 400
Washington, DC 20006

Margene Bullcreek, President
Native Community Action Council
P O. Box 140
Baker, NV 89311

Rochelle Becker
Alliance for Nuclear Responsibility
P O Box 1328
San Luis Obispo, CA 93406

David H Colburn
Steptoe & Johnson, LLP
1330 Connecticut Avenue, N W
Washington, D C , 20036-8063

Kevin W. Bell, Esq
Senior Staff Counsel
California Energy Commission
1516 9th Street
Sacramento, CA 95814

Jan Cole
Caliente Hot Springs Resort, LLC
5772 Running Colors Avenue
Las Vegas, NV 89131

Suzanne Berg
5285 Lemon Street
Silver Springs, NV 89429-7996

Michael S Cyphers
Emergency Management Coordinator
City of Henderson
240 S Water Street, MSC #133
Henderson, NV 89015

Joseph R. Egan
Martin G Malsch, Esq
Charles J Fitzpatrick, Esq
Egan Fitzpatrick & Malsch
12500 San Pedro Avenue, Suite 555
San Antonio, TX 78216

Joni Eastley
Nye County Board of County
Commissioners
101 Radar Road
Tonopah, NV 89409

James William Erbeck
City of Las Vegas
400 Stewart Avenue, 9th Floor
Las Vegas, NV 89101-2986

Gene P Etcheverry
Lander County Executive Director
315 S Humboldt Street
Battle Mountain, NV 89820

Joe Fallini
Twin Springs Ranch
HC-76, Box 1100
Tonopah, NV 89049 .

Pamela M. Fischhaber
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Merlin R Flake Chairman
N-4 State Grazing Board
Meadow Creek Ranch
HC33, Box 33940
Ely, NV 89301

R. J Gillum Vice Chairman
Board of County Commissioners for
Esmeralda County
P O Box 490
Goldfield, NV 89013

Ellen C Gmsberg
Nuclear Energy Institute
1776 I Street, W
Washington, DC 20006

Louis E Gitomer
The Adams Building
600 Baltimore Avenue, Suite 30 I
Towson, MD 21204

Oscar B Goodman
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Richard C Haber
1350 Grand summit Drive, #77
Reno, NV 89523

John E Hadder
Healing Ourselves & Mother Earth
P O Box 6595
Reno, NV 89513

Michael and Mary Heizer
Triple Aught Foundation
P O Box 33
Hiko, NV 89017

David A Hirsh
Harkins Cunningham LLP
1700 K Street, W , Suite 400
Washington, D C 20006-3804

Alan Kalt Churchill County Comptroller
155 N Taylor Street, Suite 182
Fallon, NV 89406-2748

Merril Hirsh, Esq
William H Briggs, Esq
Ross Dixon & Bell
2001 K Street, .N.W 4th Floor
Washington, DC 20006-1040

Robert Alan Kemp
North Central Railroad
Aviation Technologies Ltd
4959 Talbot Lane, Unit #69
Reno, NV 89509

Paul R Hitchcock
Associate General Counsel
CSX Transportation, Inc
500 Water Street
Jacksonville, FL 32202

Joe Kennedy Chairman
Timbisha Shoshone
785 N Main Street, Suite Q
Bishop, CA 93514

Rhonda Hornbeck
Board of County Commissioners
Lincoln County Nevada
P.O. Box 90
Proche, NV 89043

Joe Kennedy
Shoshone Tribe
P O Box 206
Death Valley, CA 92328

John H Huston
Caliente Hot Springs LLC
6772 Running Colors Avenue
Las Vegas, NV 89131

Philip Klevorick
Clark County Nuclear Waste Division
500 South Grand Parkway
P O Box 55175
Las Vegas, NV 89155-1751

Bradford R Jerbic
City of Las Vegas
Office of the City Attorney
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101-2986

Paul H Lamboley
50 West Liberty Street
Bank of America Plaza, Suite 645
Reno, NV 89501

William C Kirby
HC72, Box 08696
Dyer, NV 89010

Rex Massey
Churchill County Comptroller
P O Box 19549
Reno, NV 89511

Catherine Cortez Masto
Attorney General
Marta A Adams
Senior Deputy Attorney General
Office of the Attorney General
Of the State of Nevada
100 North Carson Street
Carson City, NV 89701

Linda Mathias Director/AULG
Representative
Mincral County Nuclear Projects Office
P O Box 1600
Hawthorne, NV 89415

Peggy Maze
Citizen Alert
2229 Arrow Drive
Las Vegas, NV 89169

John McLain
Resource Concepts, Inc
340 N Minnesota Street
Carson City, NV 89703-4152

Fred Millar, Ph D Consultant
Friends of the Earth
9 15 S. Buchanan Street, Apt 29
Arlington, VA 22204

G Paul Moates, Esq
Sidley Austin LLP
1501 K Street, N W.
Washington, DC 20005

Edwin Mueller
Esmeralda County Oversight Director
Yucca Mountain Project
P O Box 490
Goldfield, NV 89013

Malachy R Murphy, Esq
18160 Cottonwood Road, #265
Sunriver, OR 97707

Barry S Neuman, Esq
Carter Ledyard & Milburn LLP
701 8th Street, N W , Suite 410
Washington, DC 20001

Mary B Neumayr
James B McRae, Martha S Crosland
United States Department of Energy
Office of the General Counsel (GC-52)
1000 Independence Avenue, SW
Washington, DC 20585

Kevin Phillips Mayor,
City of Caliente
P O. Box 158
Caliente, NV 89008

Robert T. Opal
Union Pacific Railroad Company
1400 Douglas Street, Stop 1580
Omaha, NE 68179-0001

Christina C Pak
United States Department of Energy
1000 Independence Avenue, S W
Washington, D C 20585

Laura Raicovich Deputy Director
Dia Art Foundation
535 West 22nd Street
New York, NY 10011

Rory Reid
Board of County Commissioners
500 S Grand Central Pky
Box 551601
Las Vegas, NV 89155-1601

Deborah Teske
Lander County
315 S. Humboldt Street
Battle Mountain, NV 89820

Louise A. Rion General Commerce
and FRA Counsel
Union Pacific Railroad Company
1400 Douglas Street, Stop 1580
Omaha, NE 68179

John P Tolman
Brotherhood of Locomotives Engineers
and Trainmen
25 Louisiana Avenue, N E W
Washington, D C 20001

Connie Simkins Secretary to
N-4 Grazing Board
P.O Box 461
Panaca, NV 89042

Gracian Uhalde
P.O. Box 151088
Ely, NV 89315

Mike Simon Director
White Pine County Nuclear Waste
Project Office
959 Campton Street
Ely, NV 89301

Jeffrey D. Van Niel
530 Farrington Court
Las Vegas, NV 89123

Grace Soderberg
National Association of Regulatory
Utility Commissions
1101 Vennont Avenue, N W , Suite 200
Washington, DC 20005

Elizabeth A Vibert, Deputy District Attorney
Clark County District Attorney
500 South Grand Central Parkway
P O Box 552215
Las Vegas, NV 89155

Katie Sonnenborn
Dia Art Foundation
535 West 22'd Street
New York, NY 10011

Bret Whipple, Esq
100 South 10th Street
Las Vegas, NV 89104

Ethan Strell, Esq
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005

David Wright
Nuclear Waste Strategy Coalition
P O Box 5233
Pinhurst, NC 28374

Ian Zabarte
Western Shoshone National Council
P O Box 140062
Duckwater, NV 89314-0062