

224347

**LAW OFFICES OF  
LOUIS E. GITOMER**

LOUIS E. GITOMER  
LOU\_GITOMER@VF-RIZON.NET

THE ADAMS BUILDING, SUITE 301  
600 BALTIMORE AVENUE  
TOWSON, MARYLAND 21204-4022  
(202) 466-6532  
FAX (410) 332 0885

January 13, 2009

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

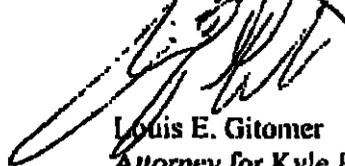
RE: Finance Docket No. 35212, *Kyle Railroad Company- Acquisition  
and Operation Exemption - Mid-States Port Authority*

Dear Acting Secretary Quinlan:

Enclosed for e-filing is a revised Certification to clarify that Kyle Railroad Company will remain a Class III railroad after consummating the proposed transaction.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer  
Attorney for Kyle Railroad Company

Enclosure

**CERTIFICATION**

State of Florida            )  
  )ss:  
County of Duval            )

I, Joshua Putterman being duly sworn depose and state that I am Vice President and Treasurer of the Kyle Railroad Company, and that the projected annual revenues from the rail operations of the Kyle Railroad Company would not exceed the threshold for it to remain a Class III carrier under 49 C.F.R. Part 1201(1-1).

  
\_\_\_\_\_  
Joshua Putterman  
Vice President and Treasurer

Subscribed and sworn to before me this 13<sup>th</sup> day of January 2009

  
\_\_\_\_\_  
Notary Public  
(SEAL)      **JENNIFER L. TAYLOR**

My Commission Expires: 6/26/2009

