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KAPLAN KIRSCH ROCKWELL

February 6, 2009

E-Filing and Via Facsimile
Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Ex Parte No. 683, *Passenger Rail Investment and Improvement Act of 2008*

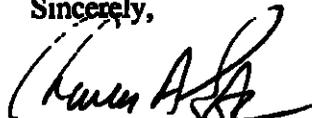
Dear Ms. Quinlan:

As you know, the Maryland Transit Administration ("MTA") filed written testimony on January 28, 2009 and requested the opportunity to present oral testimony at the hearing in this proceeding on February 11, 2009. Now, however, due to circumstances beyond MTA's control, it is hereby withdrawing its request to present oral testimony at that hearing.

However, in the event that members of this Board have any questions for MTA, undersigned counsel will be in the room at that hearing and will be available to respond or to convey the requests for information to the MTA.

Many thanks for your assistance in this matter.

Sincerely,



Charles A. Spitalnik

Enclosures

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