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February 9, 2009

E-FILING

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

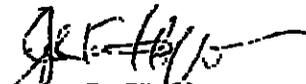
AB -
**RE: STB Docket No. 1020X, East Penn Railroad, LLC-Abandonment
Exemption-In Berks and Montgomery Counties, PA
In the Matter of a Request to Set Terms and Conditions**

Dear Ms Quinlan

I am writing on behalf of the Board of Commissioners of the County of Berks ("Berks") in connection with the above-captioned abandonment proceeding.

By this letter, Berks informs the Board and East Penn Railroad, LLC that it **rejects** the purchase terms and conditions established by the Board in its decision served Jan 28, 2009

Respectfully submitted,


John D Heffner
Counsel for Offeror

cc: Karl Morcell, Esq