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April 17, 2009

224903

**ELECTRONIC FILING**

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

**RE: STB FINANCE DOCKET NO. 35229, REQUEST TO  
DISREGARD PACIFIC HARBOR LINE INC.'S REPLY TO LOS  
ANGELES HARBOR GRAIN TERMINAL'S REPLY TO PACIFIC  
HARBOR LINE, INC.'S PETITION FOR DECLARATORY ORDER**

Dear Acting Secretary Quinlan:

Los Angeles Harbor Grain Terminal ("LA Harbor") respectfully requests that the Surface Transportation Board disregard in its entirety Pacific Harbor Line Inc 's ("PHL") April 14, 2009 reply to LA Harbor's Reply to PHL's Petition for Declaratory Order While PHL neglects to craft its responsive filing as a Reply, it can be classified as nothing other than a reply and such a filing is strictly prohibited by 49 U S C § 1104 13 "A reply to a reply is not permitted." 49 U S C § 1104 13 (c) (emphasis added).

If the Board does not classify PHL's responsive filing as a reply, then LA Harbor asserts that it must be considered a second Petition for Declaratory Order which would require a second \$1,400 filing fee If the Board considers the responsive filing a second Petition, then LA Harbor is entitled to respond to the Petition and respectfully requests that the Board grant LA Harbor 20 days to respond from the day the Board responds to this Request Please advise at your earliest convenience

Very truly yours,

ANDERSON & POOLE, P C

By



DEIDRE VON ROCK-RICCI

Attorneys for  
Los Angeles Harbor Grain Terminal

DVR/rje/9346 1000  
Enclosure

cc: Los Angeles Harbor Grain Terminal

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Request To Disregard Pacific Harbor Line Inc.'s Reply To Los Angeles Harbor Grain Terminal's Reply To Pacific Harbor Line, Inc 's Petition For Declaratory Order was served on April 17, 2009, by first-class mail, postage prepaid, on the following:

Mark H Sidman  
Rose-Michele Nardi  
Weiner Brodsky Sidman Kider PC  
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