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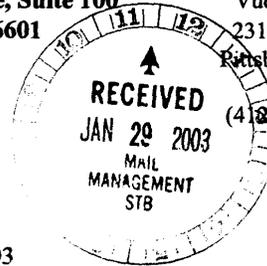
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**JAN 29 2003**

**Part of  
Public Record**

January 22, 2003

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

*NOR-42074*

Re: C&NC Railroad Corporation v. Union Pacific Railroad Company  
- Informal Complaint Seeking Damages Pursuant to 49 C.F.R. §1130.2

RECEIVED  
SURFACE TRANSPORTATION  
BOARD  
2003 JAN 29 P 4: 30  
OFFICE OF COMPLIANCE  
AND ENFORCEMENT  
DIRECTOR'S OFFICE

Dear Mr. Williams:

On August 20, 2002, C&NC Railroad Corporation ("C&NC") filed an Informal Complaint with the Board seeking damages for unpaid flat car detention charges pursuant to 49 C.F.R. §1130.2. A copy of the Informal Complaint was served on counsel for Union Pacific Railroad Corporation ("UP"). On September 6, 2002 after receipt of the Informal Complaint, counsel for UP advised that UP did not have sufficient data to determine the car placement date of November 2, 2002 and that it was "reasonable" to believe that the car was at the shipper location for no longer than 48 hours. (Attachment A)

In response, on October 31, 2002, C&NC provided UP with a Query Response Report dated December 18, 2000 obtained by C&NC using CSXT software TWSNET which accesses the National Rail Line Database of Railroad Car Movements. (Attachment B). This report clearly shows that the UP actual placement date for CNUR900 was November 2, 2000. The November 2, 2000 (2 p.m.) placement date is the day following the November 1, 2000 release from hold date reflected on UP's own On Line Car Cycle Inquiry Report. C&NC has received no communication from UP in response to this documentation despite subsequent requests on the part of the undersigned counsel dated January 9, 2003.

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In light of UP's failure to respond to the additional documentation provided by C&NC confirming CNUR900's November 2, 2000 placement date, it appears that UP has no interest in informally resolving this dispute. C&NC therefore requests that the Board issue a decision directing UP to pay \$9,700.00 in flat car detention charges to C&NC plus costs and interest accrued to date.

Respectfully submitted,

RICHARD R. WILSON, P.C.

  
Richard R. Wilson  
Attorney for C&NC Railroad Corporation

RRW/klh  
Enclosures

xc: C&NC Railroad Corporation  
Mary Ann Kilgore, Esq.