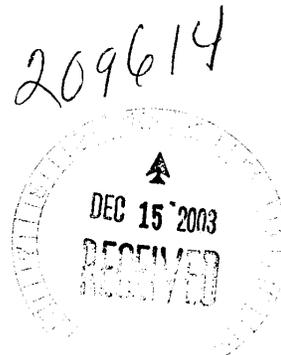


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THOMAS F. MCFARLAND

December 12, 2003

By UPS overnight mail  
(Monday delivery)

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

DEC 15 2003

Part of  
Public Record

Re: Docket No. AB-308 (Sub-No. 3X), *Central Michigan Railway Company --  
Abandonment Exemption -- in Saginaw County, MI*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Petition For Clarification Of A  
Condition Contained In A Decision Served October 31, 2003, for filing with the Board in the  
above referenced matter.

Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter  
and return in the self-addressed stamped envelope.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Plastatech Engineering, Ltd.*

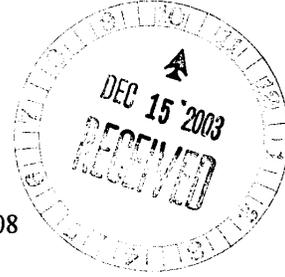
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BEFORE THE  
SURFACE TRANSPORTATION BOARD

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CENTRAL MICHIGAN RAILWAY )  
COMPANY -- ABANDONMENT ) DOCKET NO. AB-308  
EXEMPTION -- IN SAGINAW COUNTY, ) (SUB-NO. 3X)  
MI )

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PETITION FOR CLARIFICATION OF A CONDITION  
CONTAINED IN A DECISION SERVED OCTOBER 31, 2003  
REGISTERED  
Office of Proceedings

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DEC 15 2003

Part of  
Public Record

PLASTATECH ENGINEERING, LTD.  
725 Morley Drive  
Saginaw, MI 48601

Protestant

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorney for Protestant

DATE FILED: December 15, 2003

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

CENTRAL MICHIGAN RAILWAY )  
COMPANY -- ABANDONMENT ) DOCKET NO. AB-308  
EXEMPTION -- IN SAGINAW COUNTY, ) (SUB-NO. 3X)  
MI )

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**PETITION FOR CLARIFICATION OF A CONDITION  
CONTAINED IN A DECISION SERVED OCTOBER 31, 2003**

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Pursuant to 49 C.F.R. § 1117.1, PLASTATECH ENGINEERING, LTD. (Plastatech) hereby petitions for clarification of a condition contained in the Board's Decision in this proceeding, served October 31, 2003.

As here pertinent, in the October 31, 2003 Decision the Board granted a petition filed by Central Michigan Railway Company (CMR) for abandonment of 1.77 miles of rail line in Saginaw County, MI subject to a condition that "CMR establish a transload operation to handle Plastatech's shipments under the terms CMR proposed in its October 16, 2003 report" (Ordering Paragraph No. 3 at pages 6-7 of the decision).

The terms proposed for a transload operation in CMR's October 16, 2003 report are (1) a \$200-per-car rebate on future rail freight charges for Plastatech shipments transloaded at CMR's facility in Saginaw; and (2) continuation of CMR's policy of open-ended holding of loaded private cars consigned to Plastatech without added charge by CMR. (October 16, 2003 report at 3).

CMR's offer as to the \$200-per-car rebate was open-ended, as illustrated by the following statement on page 6 of the October 16, 2003 report (emphasis added):

. . . (I) If the abandonment exemption was granted, CMR wanted to ensure that Plastatech would continue to use rail in the future and enjoy some savings vis-a-vis truck. As a result, CMR offered a rail transload option and a \$200 per car rebate for all future rail movements shipped via the transload operation. Under this plan, Plastatech would continue to achieve significant savings vis-a-vis truck-direct service . . .

CMR recently tendered a draft of Agreement to Plastatech allegedly designed to implement the conditions contained in the October 31, 2003 Board Decision. One of the terms of that proposed Agreement is payment of the \$200-per-car rebate for a period of only three years. Plastatech objected to that proposal on the basis that CMR's October 16, 2003, offer to pay that rebate was open-ended. CMR subsequently responded that it would not enter into an agreement to pay a rebate for a period longer than five years. The parties are at impasse on that issue.

The Board is urged to clarify that the condition imposed by it in its October 31, 2003 Decision is based on CMR's explicit undertaking in its October 16, 2003 report to pay the rebate on an open-ended basis. There is no support whatsoever in CMR's October 16, 2003 report for restricting payment of the rebate to a 3-year or a 5-year term.<sup>1/</sup>

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<sup>1/</sup> At page 7 of the CMR October 16, 2003 report, CMR projected Plastatech's savings from the rebate compared to trucking over a 10-year period. The 10-year period there utilized is the same time frame for which CMR itself was compensated for damages by the Michigan Department of Transportation for the latter's taking of CMR's railroad bridge used to provide rail service to Plastatech. A 10-year term would be the only term of the rebate condition that would have any rational basis in CMR's October 16, 2003 report.

WHEREFORE, the Board should issue a notice clarifying that the condition in its Decision requiring CMR to pay a rebate of \$200 per car to Plastatech on shipments transloaded on CMR at Saginaw is open-ended, i.e., does not have a finite term.

Respectfully submitted,

PLASTATECH ENGINEERING, LTD.  
725 Morley Drive  
Saginaw, MI 48601

Protestant

*Thomas F. McFarland*

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(312) 236-0204

Attorney for Protestant

DATE FILED: December 15, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2003, I served the foregoing document, Petition For Clarification Of A Condition Contained In A Decision Served October 31, 2003, on William A. Mullins, David C. Reeves and Christine J. Sommer, Baker & Miller, PLLC, 915 Fifteenth Street, N.W., Suite 1000, Washington, DC 20005, by UPS overnight mail.

*Thomas F. McFarland*

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Thomas F. McFarland