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GOVERNMENT RELATIONS

December 8, 2004

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423

ENTERED  
Office of Proceedings

DEC 10, 2004

Part of  
Public Record



Re: Docket No. AB-No. 596; *New York City Economic Development Corporation -- Adverse Abandonment -- New York Cross Harbor Railroad In Brooklyn, New York*

Dear Sir:

I am enclosing an original and ten (10) copies of the Reply of New York City Economic Development Corporation's Reply to the Board's November 23, 2004 Order to Show Cause in the above referenced matter. As required by that November 23 Order, I am serving a copy of this Reply directly on the shippers located on the line in Brooklyn, as well as on the counsel who has represented them in this proceeding. An extra copy is enclosed for date stamp and return to our messenger. In addition, we are enclosing a 3.5- inch diskette with this document.

Sincerely,

Charles A. Spitulnik

Enclosures

cc: Beryl Gordon, Esquire  
All Parties of Record

ND: 4838-3620-1216, Ver 1

BEFORE THE  
SURFACE TRANSPORTATION BOARD



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DOCKET NO. AB-No. 596  
NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION  
ADVERSE ABANDONMENT -- NEW YORK CROSS HARBOR RAILROAD, INC.  
IN BROOKLYN, NEW YORK

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THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION'S  
REPLY TO THE BOARD'S NOVEMBER 23, 2004 ORDER TO SHOW CAUSE

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Attorneys for New York City Economic  
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Dated: December 8, 2004

BEFORE THE  
SURFACE TRANSPORTATION BOARD

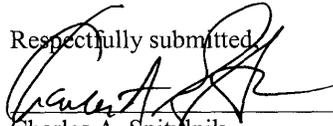


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ADVERSE ABANDONMENT -- NEW YORK CROSS HARBOR RAILROAD, INC.  
IN BROOKLYN, NEW YORK

THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION'S  
REPLY TO THE BOARD'S NOVEMBER 23, 2004 ORDER TO SHOW CAUSE

The New York City Economic Development Corporation, acting on behalf of the City of New York, NY, (the "City"), hereby submits its Reply to the Surface Transportation Board's November 23, 2004 order directing the City to show cause why its December 4, 2001 application for adverse abandonment should not be denied and the proceeding dismissed. The City does not intend to introduce any evidence in this proceeding to address the issues raised by the United States Court of Appeals for the District of Columbia in *New York Cross Harbor R.R. v. STB*, 374 F.3d 1177 (D.C. Cir. 2004) which vacated the Board's decision in this proceeding served on May 12, 2003 as supplemented by the decision served on August 27, 2003 denying a Petition for Reconsideration, and remanded the case to the Board.

Respectfully submitted,

  
Charles A. Spitznik

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**CERTIFICATE OF SERVICE**

I certify that I have this 8<sup>th</sup> day of December 2004, caused copies of NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION'S REPLY TO THE BOARD'S NOVEMBER 23, 2004 ORDER TO SHOW CAUSE, to be served by first class mail, postage prepaid upon all Parties of Record.

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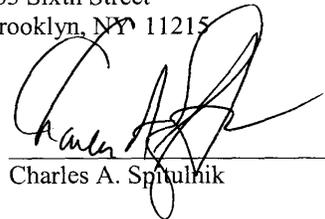
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