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THOMAS F. MCFARLAND

January 19, 2006

By electronic mail

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

Re: Docket No. AB-1066X, *Central Illinois Railroad Company -- Discontinuance of Service Exemption -- in Peoria County, Illinois*

Dear Mr. Williams:

This refers to the letter to you from Mr. Rob Happach of Carver Lumber dated January 18, 2006.

It will be recalled that Central Illinois Railroad Company (CIRY) has undertaken not to consummate the discontinuance of service exempted in the decision served December 23, 2005 until a track connection is completed and alternative rail service is available from the west, or until January 22, 2006, whichever is later. The City of Peoria has also undertaken not to remove trackage in the portion of rail line for which discontinuance has been exempted under the same circumstances.

Mr. Happach contends that that is not enough. He wants the Board to stay the effectiveness of the discontinuance exemption until service from the west has been tested and found to be adequate.

That would not be appropriate. Mr. Happach's contention bears on the merits of discontinuance of service over a portion of the Kellar Branch, not on the timing of the effectiveness of that discontinuance. There was no contention in the record of the discontinuance proceeding that discontinuance should not be allowed unless and until service from the west was tested and found to be adequate. Mr. Happach states that such has been Carver Lumber's position "from several years ago," but that position was not expressed in the record of the discontinuance proceeding so that the parties could comment on it and the Board could consider it. It would not be appropriate to stay the Board's decision for an indefinite time while the adequacy of service from the west is tested, and perhaps to overturn the Board's decision if

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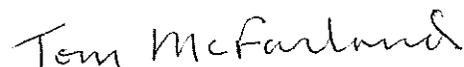
Vernon A. Williams, Secretary

January 19, 2006

Page 2

Carver Lumber deems that service to be inadequate. If that was Carver Lumber's position, it should have been expressed in the proceeding on the merits of the discontinuance.

Very truly yours,



Thomas F. McFarland
Attorney for Petitioner

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