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PUBLIC VERSION

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BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



STB Docket No. AB-6 (Sub-No. 430X)

BNSF RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN OKLAHOMA COUNTY, OK

STB Docket No. AB-1040X

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STILLWATER CENTRAL RAILROAD, INC.
- ABANDONMENT EXEMPTION -
IN OKLAHOMA COUNTY, OK

PETITIONERS' REPLY TO APPLICANTS'
MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS

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BIO-ENERGY WELLNESS CENTER
NORTH AMERICAN TRANSPORTATION INSTITUTE

Due and dated: January 23, 2006

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PETITIONERS' REPLY TO APPLICANTS'
MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS

Petitioners, Bio-Energy Wellness Center ("Bio-Energy") and North American Transportation Institute ("NATI"), pursuant to 49 C.F.R. 1104.13(a), reply in opposition to the Motion of Applicants, BNSF Railway Company ("BNSF") and Stillwater Central Railroad, Inc. ("SLWC"), filed January 3, 2006, to Compel Responses to Discovery Requests ("Motion") and state, as follows:

1. Applicants have couched their Motion as if Petitioners had not submitted a supplemental response to Applicant's discovery requests. Indeed, although Applicants carefully attached to their Motion a copy of Petitioners' initial Response, served December 15, 2005, they

neglected to attach the supplemental response, served December 22, 2005. Service of the supplemental response had been held up awaiting Petitioners' receipt of the signed and dated "Highly Confidential" undertakings of Applicants' counsel, and, since then, Applicants' counsel have known the names and addresses of shippers on, or accessed via, the line proposed for abandonment.

Further supplementing Interrogatory No. 1, are copies of sworn statements by Mr. Michael Richards of Bio-Energy and by Mr. Tom Elmore of NATI, attached as Exhibit A, summarizing their conversations with personnel of the one shipper actually situated on the line proposed for abandonment. Exhibit B are photographs which Messrs Richards and Elmore took at the site, and they show tank cars spotted on the company's industrial track.

With respect to Interrogatory No. 3, the sworn statements attached as Exhibit A are summaries of the only conversations which Messrs Richards and Elmore had with the shipper.

Petitioners submit that Interrogatory No. 6 is immaterial and, hence, any response would be inadmissible; nor will a response lead to the disclosure of relevant and, thus, admissible materials. Without waiver of the objection, copies of the requested letters are attached as Exhibit C.

In further response to Interrogatory No.7, attached are photographs taken by Messrs. Richards and Elmore, Exhibit D, identifying certain of the shippers served by switches off the line slated for abandonment and, accordingly, claimed by Applicants to be overhead traffic and, therefore, not be included in determining whether within the past two years there has been local traffic which has originated or terminated on the line slated to be abandoned.

Petitioners have no bills of lading, waybills or other documentation of shipments which

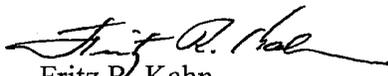
within the past two years were picked up or delivered by Applicants or were the subject of intra plant switching at the industries, shippers and/or consignees situated on, or accessed via the line slated for abandonment.

Petitioners have been forthright and candid in their responses to Applicants' discovery requests. It is in their interest to respond completely to Applicants' interrogatories or document production requests. If Applicants were hoping to obtain more material, it is not because of any reluctance on the part of the Petitioners to provide them with it; it simply is that the Petitioners have no information or data beyond that which they have produced.

Respectfully submitted,

BIO-ENERGY WELLNESS CENTER
NORTH AMERICAN TRANSPORTATION INSTITUTE

By their attorney,



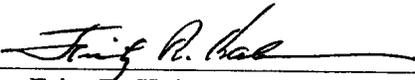
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Due and dated: January 23, 2006

CERTIFICATE OF SERVICE

I certify that I this day served copies of the foregoing Petitioners' Reply to Applicants' Motion to Compel Responses to Discovery Requests by facsimile transmitting and mailing copies to their attorneys, Sidney L. Strickland, Jr., Esq., and Karl Morell.

Dated at Washington, D.C. is 23rd day of January 2006.



Fritz R. Kahn

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D