

Daniel R. Deutsch
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215748

February 3, 2006

VIA EXPRESS MAIL

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
1925 K Street, NW
Washington, DC 20423



**RE: STB Finance Docket Number: 34797
Motion to Enlarge by One Day Time for Filing and Docketing of
Reply of Town of Wilmington to Petition for Exemption**

Dear Secretary Williams:

Further to my telephone conversation this morning with Joe Dettmar in the Office of Proceedings, I am writing to move, in letter form, on behalf of my client, the Town of Wilmington, to extend retroactively by one (1) day the time for filing and docketing of the Reply of the Town of Wilmington to the Petition of New England Transrail, LLC for Exemption in the above-referenced proceeding. As I explained to Mr. Dettmar, this motion is necessary due to circumstances beyond the control of this office or our client.

Aware of the January 27, 2006 filing deadline, we transmitted the Reply and its enclosures (an original and ten copies, along with a disk) via Federal Express Priority Delivery on the afternoon of Thursday, January 26th for delivery Friday morning. Unfortunately, we learned today¹ that Federal Express unilaterally changed and restored (to 1925 K Street) the street address on the package and attempted delivery only after the close of business on Friday, January 27. Accordingly, the Reply was received by the Board and docketed only on the morning of January 30.

The enclosed sender's copy of the Federal Express shipping label and of tracking information obtained from Federal Express substantiate these circumstances. We also have received confirmation of this unfortunate mishandling by telephone conversation this morning with Federal Express staff. In the event that any further verification of these circumstances is required, please let us know and we will do our best to provide it.

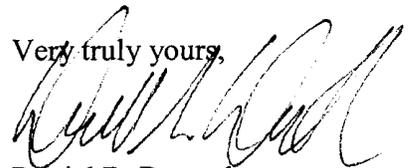
¹ We called the Federal Express customer service department and reached Tonya Law at the regional call center in Houston, Texas. She stated that according to her computer records, the address on the package was changed by a Federal Express employee to 1850 K Street, NW, Washington, DC before any delivery attempt was made. The zip code was also changed to: 20006.

Honorable Vernon Williams
February 3, 2006
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Given our demonstrated good faith compliance and the need for the Board to receive and consider substantial input from the Town of Wilmington, an interested party in this and prior related proceedings, we respectfully request that the Board grant this one-day extension and deem Wilmington's Reply to have been timely filed.

Thank you for your consideration and cooperation in this matter. Copies of this letter and its enclosures are being sent simultaneously to counsel for the interested parties, as indicated on the attached certificate of service.

Very truly yours,



Daniel R. Deutsch

DRD:lsc
Enclosures as stated

cc: Stephen M. Richmond, Esq.
Margaret R. Stolfa, Esq.
J. Patrick Berry, Esq.
Lam, Siu Tip (Environmental Protection Division/Office of the Attorney General)
Town of Wilmington
Attn: Michael A. Caira, Town Manager
Paul R. DeRensis, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following attorney of record for each party by *first-class mail* on this date.

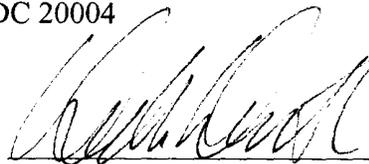
Stephen M. Richmond, Esq.
Beveridge & Diamond, P.C.
45 William Street, Suite 120
Wellesley, MA 02481-4004

Margaret R. Stolfa, Esq.
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Washington, DC 20004

2/3/06



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Tracking number	854441371059	Reference	8804 23
Signed for by	Z.SANTARMES	Delivered to	Mailroom
Ship date	Jan 26, 2006	Service type	Priority Pak
Delivery date	Jan 30, 2006 9:34 AM	Weight	4.0 lbs.
Status	Delivered		

Wrong Address?
Reduce future mistakes by us
[FedEx Address Checker](#).

Shipping Freight?
FedEx has [LTL](#), [air freight](#),
[surface and air expedited freight](#),
[multi piece package deliveries](#)
and [ocean freight](#).

Date/Time	Activity	Location	Details
Jan 30, 2006	9:34 AM	Delivered	
	9:27 AM	Delivery exception	WASHINGTON, DC Recipient location security delay. Delivery will be reattempted.
	7:31 AM	On FedEx vehicle for delivery	WASHINGTON, DC
Jan 28, 2006	9:44 AM	At local FedEx facility	WASHINGTON, DC
Jan 27, 2006	5:57 PM	At local FedEx facility	WASHINGTON, DC
	5:15 PM	Delivery exception	WASHINGTON, DC Customer not available or business closed
Jan 26, 2006	2:04 PM	On FedEx vehicle for delivery	WASHINGTON, DC
	7:49 AM	At local FedEx facility	WASHINGTON, DC
	6:59 AM	At dest sort facility	DULLES, VA
	6:46 AM	Delivery exception	WASHINGTON, DC Incorrect address
	5:42 AM	At dest sort facility	DULLES, VA
	4:20 AM	Departed FedEx location	NEWARK, NJ
	12:38 AM	Arrived at FedEx location	NEWARK, NJ
Jan 26, 2006	9:13 PM	Left origin	SOUTH BOSTON, MA
	7:24 PM	Picked up	SOUTH BOSTON, MA

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Email address

Language

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Exception updates

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FedEx Express US Airbill

FedEx Tracking Number **8544 4137 1059**

Form ID No. **0215** **SPH41**

1 From Please print and press hard
 Date 1/26/06 Sender's FedEx Account Number 1094-5466-4
 Sender's Name Daniel R. Deutsch Esq. Phone (617) 951-2300
 Company DEUTSCH WILLIAMS BROOKS DERENS
 Address 99 SUMMER ST FL 13
 City BOSTON State MA ZIP 02110-1213

2 Your Internal Billing Reference 8804.23
3 To Recipient's Name The Honorable Jemima A. Williams, Secretary
 Company Surface Transportation Board
 Recipient's Address 1925 K Street, NW
 City Washington State DC ZIP 20423
 0320659768

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 or call 1.800.GoFedEx 1.800.463.3339.

4a Express Package Service To add SATURDAY Delivery, see Section 6
 FedEx Priority Overnight Next business morning*
 FedEx Standard Overnight Next business afternoon*
 FedEx First Overnight Earliest next business morning delivery to select locations.*
 FedEx 2Day Second business day**
 FedEx Express Saver Third business day**
 FedEx Envelope rate not available. Minimum charge: One-pound rate.

4b Express Freight Service To add SATURDAY Delivery, see Section 6
 FedEx 1Day Freight* Next business day**
 FedEx 2Day Freight Second business day**
 FedEx 3Day Freight Third business day**
 * Call for Confirmation

5 Packaging Declared value limit \$500.
 FedEx Envelope*
 FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.
 FedEx Box
 FedEx Tube
 Other

6 Special Handling Include FedEx address in Section 3.
 SATURDAY Delivery Available ONLY for FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes.
 HOLD Weekday at FedEx Location NOT Available for FedEx First Overnight.
 HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.
 Does this shipment contain dangerous goods?
 No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required
 Dry Ice Dry Ice, 9, UN 1845 x _____ kg
 Dangerous goods (including dry ice) cannot be shipped in FedEx packaging. Cargo Aircraft Only

7 Payment - Bill to: Enter FedEx Acct. No. or Credit Card No. below.
 Sender Acct. No. in Section 1 will be billed Recipient Third Party Credit Card Cash/Check
 FedEx Acct. No. _____ Exp. Date _____
 Total Packages _____ Total Weight _____ Total Declared Value* \$ _____ .00
 *Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

8 NEW Residential Delivery Signature Options If you require a signature, check Direct or Indirect.
 No Signature Required Package may be left without obtaining a signature for delivery.
 Direct Signature Anyone at recipient's address may sign for delivery. Free applies.
 Indirect Signature If no one is available at recipient's address, anyone at a neighboring address may sign for delivery. Free applies.
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Daniel R. Deutsch
ddeutsch@dwboston.com

January 26, 2006

VIA FEDERAL EXPRESS

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

RE: STB Finance Docket Number: 34797

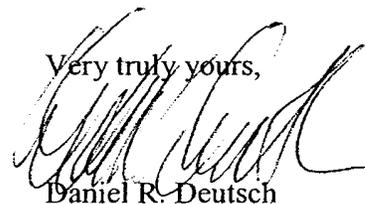
Dear Secretary Williams:

On behalf of the Town of Wilmington, enclosed please find the *original* and ten (10) copies of the following document: *Reply of Town of Wilmington to New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway – Petition for an Exemption from 49 U.S.C. § 10901 to Acquire, Construct and Operate as a Rail Carrier on Tracks and Land in Wilmington and Woburn, Massachusetts (with Attachments "A" and "B")*.

Also enclosed please find a disk containing the above-named document.

Please do not hesitate to contact me with any questions you may have. Thank you for giving this matter your careful attention.

Very truly yours,



Daniel R. Deutsch

DRD:lsc
Enclosures

cc: Stephen M. Richmond, Esq.
Margaret R. Stolf, Esq.
J. Patrick Berry, Esq.
Town of Wilmington
Attn: Michael A. Cair, Town Manager
Paul R. DeRensis, Esq.