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218370

January 4, 2007

BY HAND-DELIVERY

Mr. David M. Konschnik
Director, Office of Proceedings
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Re: Finance Docket No. 34947, Dr. Daniel R. Fiehrer, Applicant
v. BNSF Railway, Respondent

Dear Mr. Konschnik:

The Surface Transportation Board's website indicates that Dr. Daniel R. Fiehrer has filed a Petition for Reconsideration, Review and Appeal to the Full Board with respect to the feeder line application that Dr. Fiehrer filed on October 27, 2006, in the above-referenced proceeding. Dr. Fiehrer did not serve his pleading on BNSF Railway Company ("BNSF") as required by the Board's regulations, and we only became aware of the fact that the pleading had been filed during a review of the Board's website on December 28, 2006.

Accordingly, unless advised by you to the contrary, BNSF plans to file its response to Dr. Fiehrer's pleading no later than twenty (20) days from December 28, 2006, the date on which BNSF obtained actual knowledge of the pleading. That date would be January 17, 2007.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely yours,

Robert M. Jenkins III

cc: Hon. Vernon A. Williams
M.A. Fiehrer
Dr. Daniel R. Fiehrer
Charles H. Montange, Esq.

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