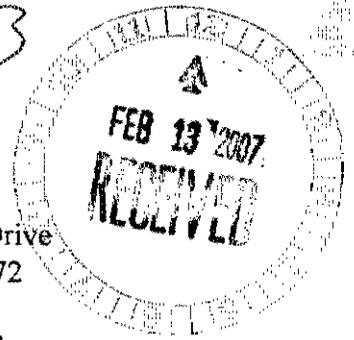


218623



TO: Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423
Fax: (202) 565-9019

FROM: Edwin Kessler
1510 Rosemont Drive
Norman, OK 73072
(405) 360-2194
February 12, 2007

RE: Docket No. AB- 6 (Sub-No. 430X), *BNSF Railway Company – Abandonment Exemption – In Oklahoma County, OK*

Dear Secretary Williams:

On January 26, 2007, the Board served a decision in the above entitled case, which decision stated the due date for filing an Offer of Financial Assistance in the above entitled case was February 5, 2007. On February 5, 2007, I sent a letter to the Board indicating that I had an interest in filing an Offer of Financial Assistance to purchase the line which is the subject of the above entitled proceeding.

I am faxing to your office a copy of a Notice of Intent to file an Offer of Financial Assistance, and a Petition to Stay Effective Date, that I will be sending to the Board via overnight delivery.

Respectfully,

A handwritten signature in cursive script that reads 'Edwin Kessler'.

Edwin Kessler

PS. Dear Secretary Williams

There is a typographical error in the last line of Paragraph 12 of my "Petition to toll date..." faxed to you earlier today: - 49 CFR 1152.27(a) should be 49 CFR 1127.52 (a). Thank you!

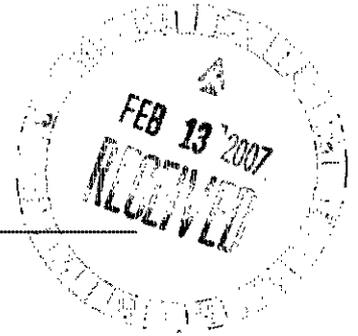
A handwritten signature in cursive script that reads 'Edwin Kessler'.

ENTERED
Office of Proceedings

FEB 13 2007

Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



STB DOCKET NO. AB-6 (Sub- No. 430X)

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

**NOTICE OF INTENT TO FILE AN
OFFER OF FINANCIAL ASSISTANCE**

**ENTERED
Office of Proceedings
FEB 13 2007
Part of
Public Record**

1. Edwin Kessler ("Kessler"), pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith files his formal Notice of Intent to File an Offer of Financial Assistance, to purchase from the BNSF Railway Company ("BNSF") that portion of a line of railroad between milepost 539.96 and milepost 542.91, in Oklahoma City, Oklahoma, within Oklahoma County, Oklahoma (the "Line"), a distance of 2.95 miles more or less, which line of railroad is the subject of the above entitled proceeding. The line traverses Postal Zip Codes 73102, 74108, and 73129.

2. Kessler is a financially responsible person. Kessler has, or within a reasonable time will have, the financial resources to fulfill all of his proposed contractual obligations.

3. Pursuant to 49 U.S.C. § 10904 and 49 CFR 1152.27 (a), Kessler requests BNSF provide Kessler and the Board with the information specified in 49 CFR 1152.27 (a), and the following additional information:

A. An estimate of the annual subsidy and minimum purchase price required to keep the

Line, or that portion of the Line between Union Station and the rail yard south of Union Station, and MP 542.91, in operation;

B. BNSF's most recent reports on the physical condition of that part of the Line involved in the proposed abandonment or discontinuance;

C. Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over the Line, including, but not limited to:

a. A copy of any agreements BNSF, or any of its affiliates or subsidiaries, is a party to, which pertain in any way to the Line, including but not limited to, any Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, and any agreements BNSF has, or contemplates having, involving the State of Oklahoma, or any other Oklahoma State or Local agency or entity, hereinafter "State of Oklahoma."

b. A copy of all papers, documents or agreements BNSF has received, has in its possession, or has knowledge of, which pertain in any way to any agreements any present, former or potential shipper, have made which pertain in any way to the use of, or non-use of, the Line, including but not limited to any agreement(s) any shipper on the Line has made with the State of Oklahoma.

D. Any other information which relates to BNSF's present or prior use of the Line, including but not limited to:

a. The number of times the Line was used in 2001, 2002, 2003, 2004 and 2005, and the number of rail cars delivered to and / or the number of rail cars received from, each shipper on the line, for each time the Line was used;

b. The number of times in 2004, 2005, and 2006, the Line was used for overhead

traffic, and the number of cars that moved over the line;

c. For all trackage rights agreements BNSF has entered into and that were in force during 2003, 2004, 2005, 2006 and 2007, indicate the cost per car-mile associated with those trackage rights agreements;

d. The number of times the Line was unavailable for BNSF's use in 2001, 2002, 2003, 2004 and 2005, and the reason(s) why the Line was unavailable;

e. The date the Line was taken out-of-service, if the Line was taken out of service;

f. The speed limits on the Line, and any other restrictions which pertain to the use of the Line, by Milepost;

g. Which switches on the Line BNSF train crews may operate, and which switches on the Line are exclusively controlled by a centralized traffic control system. Which switches the train crew must wait at while a remote switch operator throws the switch, and the average amount of time the train crew had to wait for the switch to be thrown.

h. A summary of all disagreements, misunderstandings, or points of contention between BNSF and the State of Oklahoma or any other party or entity, concerning BNSF's use of the Line during 2002, 2003, 2004, 2005, and 2006;

i. An indication of where Kessler would interchange rail traffic with BNSF;

j. A copy of a proposed interchange agreement;

Respectfully submitted,



Edwin Kessler

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2007, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon the parties of record noted below.


Edwin Kessler

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Sidney Strickland & Associates
Ste 101
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