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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-383 Sub-No. 5X  
WISCONSIN & SOUTHERN RAILROAD CO.  
- ABANDONMENT EXEMPTION -  
IN MILWAUKEE, WI**

**ENTERED  
Office of Proceedings**

**AUG 27 2007**

**Part of  
Public Record**

**MOTION TO MAKE ABANDONMENT  
EFFECTIVE UPON SERVICE**

John D. Heffner  
John D. Heffner, PLLC  
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(202) 296-3334

Attorney for Petitioner

Dated: August 27, 2007

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SURFACE TRANSPORTATION BOARD**

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Pursuant to 49 CFR 1117.1, Wisconsin & Southern Railroad Co ("WSOR"), moves the Surface Transportation Board to make the decision it served on August 24, 2007, effective upon service. In support thereof, WSOR states as follows:

1. On April 19, 2007, as supplemented on May 7, 2007, WSOR petitioned the Board to abandon a short 2.41 mile long segment of railroad known as the Nut Line extending from milepost 94.35, east of N. 24th Street, to milepost 96.76, west of N. Richards Street, the cities of Glendale and Milwaukee, Milwaukee County, WI.
2. WSOR's stated reason for abandonment was that traffic had declined to the point that it was uneconomical to continue providing service and that WSOR had received an attractive offer from a

third party to purchase a portion of the right of way for nonrail use. The line served only one active shipper at the time WSOR sought abandonment authority, Bliffert Northside Lumber ("Bliffert"). None of the three shippers located on the line opposed WSOR's abandonment petition and no other party filed any comments protesting this abandonment.

3. On August 24, 2007, the Board issued a decision granting WSOR's abandonment request, effective September 23, 2007, in order to permits offers of financial assistance to be filed on September 4, and to be able to entertain petitions to stay and petitions to reopen on September 10 and September 18, respectively. The Board's decision also required WSOR to serve a copy of its decision on Bliffert and to certify to the Board that it had done so.
4. WSOR seeks to close the sale of a portion of the right of way this Thursday morning, August 30, 2007, well in advance of those dates.
5. Upon receiving the Board's decision, WSOR promptly served a copy of that decision on

Bliffert and certified that it had done so to the Board.

6. Upon learning of the closing schedule, WSOR's counsel contacted Bliffert to obtain its consent to filing this Motion. WSOR submits with this Motion a letter from Bliffert consenting to WSOR's request that this abandonment be effective on service or shortly thereafter to permit closing on the sale to occur this week, that Bliffert does not need this line for continued rail service, does not object to its abandonment or WSOR's sale of the right of way, and does not intend to file an OFA.
7. WSOR knows of no party that intends to file an OFA or to seek a stay or reopening of the decision.
8. Accordingly, WSOR requests that the Board issue an order making this decision effective upon service.

Respectfully submitted,



John D. Heffner  
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1750 K Street, NW  
Suite 350  
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(202) 296-3334

Counsel for  
Wisconsin & Southern  
Railroad Co.

Dated: August 27, 2007

CERTIFICATE OF SERVICE

I, John D. Heffner, hereby certify that a copy of the  
Motion of the Wisconsin & Southern Railroad Co. to make  
abandonment effective upon service was served on August 27,  
2007, by email and First Class United States mail on:

President  
Bliffert Northside Lumber Company  
5030 N 35th St  
Milwaukee, WI 53209

  
John D. Heffner

# **BLIFFERT**

*Lumber & Fuel Co.  
Since 1904*

4826 S. 13th St. • Milwaukee, WI 53154  
Tel: 414-762-9090 • Fax: 414-762-6000

7014 E. Chambers St. • Milwaukee, WI 53212  
Tel: 414-264-5700 • Fax: 414-264-5778

2128 W. Morgan Ave. • Milwaukee, WI 53221  
Tel: 414-883-4900 • Fax: 414-883-4900

5000 N. 85th St. • Milwaukee, WI 53209  
Tel: 414-462-7900 • Fax: 414-462-6177

August 24, 2007

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

**RE: STB Docket No. AB-383 Sub-No. 5X  
Wisconsin & Southern Railroad Co.  
- Abandonment Exemption -  
In Milwaukee County, WI**

Dear Mr. Williams:

I am writing on behalf of Bliffert Northside Lumber (Bliffert) in response to a telephone request today from John D. Heffner representing the Wisconsin & Southern Railroad Co. ("WSOR") in connection with the above-captioned matter.

Today the Surface Transportation Board issued a decision granting the abandonment of a rail line that serves my company's facility in Milwaukee, Milwaukee County, WI. Counsel for WSOR served a copy of that decision on me today by email. The decision provides, as relevant, that an offer of financial assistance (OFA) will be due September 4, and that it will be effective September 23, 2007, in the absence of an OFA.

WSOR advises me that they desire to consummate this abandonment prior to September 23, 2007, so they can sell a portion of the right of way before that date. WSOR seeks Bliffert's consent to a motion it will file imminently asking that the abandonment will be effective on service or shortly thereafter to permit closing on the sale to occur sometime next week. Bliffert does not need this line for continued rail service, does not object to

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Tel: 414-462-7900 • Fax: 414-462-6177

**its abandonment or WSOR's sale of the right of way, and does not intend to file an OFA. Please be advised that Bliffert grants its consent.**

**I appreciate your attention to this matter.**

**Sincerely yours,**

*P. Eli Bliffert  
V.P.  
Bliffert Lumber & Fuel  
8/24/07*