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January 17, 2008

## VIA ELECTRONIC FILING

Ms Anne K Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S W  
Washington, DC 20024

Re **Finance Docket No. 35092** 22/290  
**Progressive Rail Inc.—Continuance In Control Exemption—**  
**Montgomery Short Line LLC**  
**Finance Docket No. 35093** 22/292  
**Montgomery Short Line LLC—Lease and Operation Exemption—**  
**Union Pacific Railroad Company**

Dear Secretary Quinlan

Montgomery Short Line LLC ("MSL") and Progressive Rail Inc ("PRI") are in receipt of a copy of a letter to the STB from the Minnesota Attorney General's Office concerning UTU's Petition to Revoke in the above-referenced dockets. The Board's website shows the letter being received by the STB on January 14, 2008, twenty-one days after the due date for replies to the UTU petition. For that reason alone, the STB should not accept this letter as part of the record in these dockets.

If the STB is inclined to accept the Attorney General's letter as part of the record, then PRI and MSL would like the record to reflect that the letter does not bring up any issues that were not already addressed in PRI's and MSL's joint response dated December 20, 2007 in the referenced dockets. In particular, the Attorney General claims that her office does not have enough information to properly respond to the exemptions filed in these dockets. Yet, Federal Register notices concerning the exemptions appeared on November 9, 2007. Since that time, the Minnesota Attorney General has had an opportunity to use STB procedures if there were concerns about the dockets, but has chosen not to do so. Therefore, the STB should disregard the letter.

I certify as of the date of this letter that copies of it were served by first-class mail on the parties listed below

**FLETCHER & SIPPEL LLC**

Very truly yours,



Michael J Barron, Jr.  
Attorney for Progressive Rail Inc and  
Montgomery Short Line LLC

MJB arw

cc Daniel R Elliott, III  
Donald J Mueeting, Assistant Attorney General