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April 10, 2008

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

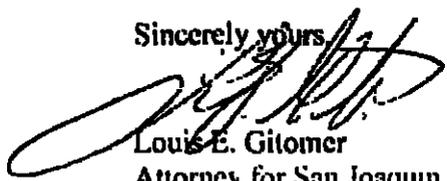
RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

Dear Acting Secretary Quinlan:

Enclosed for e-filing is a Motion for Leave to File Rebuttal. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for San Joaquin Valley Railroad Company

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No AB-398 (Sub-No 7X)

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
TULARE COUNTY, CA (BETWEEN STRATHMORE AND JOVISTA)

MOTION FOR LEAVE TO FILE REBUTTAL

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Attorneys for. SAN JOAQUIN VALLEY
RAILROAD COMPANY

Dated April 10, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No AB-398 (Sub-No 7X)

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
TULARE COUNTY, CA (BETWEEN STRATHMORE AND JOVISTA)

MOTION FOR LEAVE TO FILE REBUTTAL

The San Joaquin Valley Railroad Company (“SJVR”) files this Motion for Leave to File Rebuttal pursuant to *San Joaquin Valley Railroad Company-Abandonment Exemption-in Tulare County, CA*, STB Docket No AB-398 (Sub-No 7X) (STB served March 10, 2008) (the “*March 10 Decision*”)

In the Petition for Exemption (the “Petition”) filed in this proceeding, SJVR requested the Board to “adopt a procedural schedule in this proceeding permitting any party to submit a reply to the Petition, as a matter of right, and permitting SJVR to file rebuttal to those replies as a matter of right ” Petition at 12 SJVR argued that it expected opposition to the Petition and that “the Board will be able to make more informed decision if SJVR is given the opportunity as a matter of right to respond to any opposition that is filed ”

The *March 10 Decision* deferred action on SJVR’s request for a procedural schedule providing SJVR with the right to file rebuttal when it stated “Rather than address the request at this time, however, the Board will instead allow SJVR to raise the matter again, if comments and replies in response to the petition are actually filed.. Once comments or replies are filed, SJVR may request leave to file rebuttal ” *Id* at 1-2

Comments in opposition to the proposed abandonment exemption have been filed by the Tulare County Economic Development Corporation, the Tulare County Association of Governments, and the Tulare County Board of Supervisors (the "Protestants") SJVR requests leave to file the accompanying response to the unsupported arguments made in the opposition filings.

The SJVR response addresses the arguments made by Protestants through reference to the facts in the Petition. The only additional facts presented by SJVR are a breakdown of the net liquidation value of the track and materials for the portions of the railroad line north and south of milepost 287.10, as requested by Protestants. The rebuttal will provide the Surface Transportation Board (the "Board") with "clarification of] certain matters, . . . and more fully explain the factual situation, and [will be] filed in time for [the Board] to adequately consider them." *Buffalo & Pittsburgh Railroad, Inc –Abandonment Exemption–in Erie and Cattaraugus Counties, NY*, STB Docket No. AB-369 (Sub-No. 3X) (STB Served September 18, 1998) at 2, where the Board permitted the railroad to file rebuttal

SJVR respectfully requests the Board to accept and consider the accompanying rebuttal statement

Respectfully Submitted,



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Attorneys for SAN JOAQUIN VALLEY
RAILROAD COMPANY

Dated April 10, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Motion for Leave to File Rebuttal in Docket No AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption in Tulare County, CA (Between Struthmore and Jovista)*, was mailed via first class mail, postage prepaid, on April 10, 2008, to the following parties.

Tulare County Economic Development Corporation
4500 S Laspina Street
Tulare, CA 93274

Tulare County Association of Governments
5961 S Mooney Boulevard
Visalia, CA 93277

Tulare County Board of Supervisors
Administration Building
2800 West Burrel
Visalia, CA 93291



Louis E. Gitomer

April 10, 2008