

Law Offices
of
Mark A. Cuthbertson

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Of Counsel
Thomas L. Costa
Michelle M. Pfeifferberger

May 21, 2008

VIA E-FILING

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street NW, Suite 715
Washington, DC 20423-0001

Re: Suffolk and Southern Railroad -- Lease and Operation Exemption -- Sills Road Realty, LLC
STB Finance Docket No. 35036

Dear Mr Williams:

I represent the Town of Brookhaven, New York ("Town") in the above-referenced matter. There are related matters pending before the Section of Environmental Analysis and the U.S. District Court for the Eastern District of New York.

Petitioner U.S. Rail Corporation recently filed a 17-page "Petition for Clarification of the Decision served October 12, 2007," with several statements attached. Based on the 20 days set forth in 49 C.F.R. § 1104.13, the Town's reply is due Thursday May 22, 2008

The Town respectfully requests that the STB allow it five (5) additional business days -- until May 30, 2008 -- in which to respond to the Petition for the Clarification, which was served on May 2, 2008. My associate has conferenced with counsel for U.S. Rail Corporation, John Heffner, who consents to the extension and is copied on this request. Thank you for consideration of this request.

Very truly yours,

Mark A. Cuthbertson
Mark A. Cuthbertson

MAC djf

cc: John D. Heffner, Esq.

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CERTIFICATION OF SERVICE

I, Mark A. Cuthbertson, certify that on the 21st of May, 2008, a copy of this document, as submitted to the Board via electronic filing, was sent via email to John D. Heffner (counsel for U.S. Rail) and via fax to David M. Konschnik (Director, Office of Proceedings).

LAW OFFICES OF MARK A. CUTHBERTSON

By: Mark A. Cuthbertson

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