

22432

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO 35120

PRO-GO CORP  
—OPERATION EXEMPTION—  
IN SUFFOLK COUNTY, NY

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**PETITION FOR LEAVE INTERVENE OF  
NEW YORK & ATLANTIC RAILWAY COMPANY AS A PARTY IN THIS DOCKET**

Ronald A. Lane  
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**ATTORNEYS FOR NEW YORK &  
ATLANTIC RAILWAY COMPANY**

Dated May 21, 2008

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO 35120

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-- OPERATION EXEMPTION --  
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**PETITION FOR LEAVE TO INTERVENE OF  
NEW YORK & ATLANTIC RAILWAY COMPANY AS A PARTY IN THIS DOCKET**

New York & Atlantic Railway Company ("NYA"), hereby petitions the Board for leave to intervene as a party of record in this proceeding. NYA has not been served with any pleadings in this docket and only recently became aware of the pendency of these proceedings. NYA has since its inception provided railroad service to the Prima Asphalt facility and continues to do so today. Any traffic of the applicant would have to interchange with NYA. NYA has a legally cognizable interest in the subject matter of this proceeding and seeks party of record status, with a requirement that all papers in this proceeding be served on the undersigned counsel for NYA.

WHEREFORE, New York & Atlantic Railway Company respectfully requests leave to intervene in this docket as a party of record and that all papers in this proceeding be served on the undersigned counsel.

Respectfully submitted,

By 

Ronald A. Lane

Michael J. Barron, Jr.

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Suite 920

Chicago, Illinois 60606-2832

(312) 252-1500

**ATTORNEYS FOR NEW YORK &  
ATLANTIC RAILWAY COMPANY**

Dated. May 21, 2008

**CERTIFICATE OF SERVICE**

I certify that I have this 21<sup>st</sup> day of May, 2008 served a copy of the foregoing Petition to Intervene upon all parties of record in this proceeding as set forth below, via electronic mail and first-class mail postage prepaid in accordance with the provisions set forth in 49 C.F.R. § 1104.12, as amended.

Mr. Brendon P. Fowler  
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ATTORNEY FOR NEW YORK &  
ATLANTIC RAILWAY COMPANY