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February 22, 2010

By e-filing

Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

126482

Re: Finance Docket No. 35346, *Nebraska Northwestern Railroad, Inc. -- Purchase, Lease and Operation Exemption -- Dakota, Minnesota & Eastern Railroad Corporation*

Dear Section of Administration Chief:

Nebkota Railway, Inc. and West Plains Co. hereby seek leave to withdraw their Joint Petition For Rejection Or Stay Of Class Exemption filed on February 5, 2010.

This action is taken in light of the Amendment of the Trackage Rights Agreement between Dakota, Minnesota & Eastern Railroad Corporation (DM&E) and Nebkota Railway, Inc. to provide for interchange with DM&E at Dakota Junction.

Very truly yours,

Thomas F. McFarland/kel

Thomas F. McFarland
Attorney for Petitioners

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cc: Chairman Daniel R. Elliott, III, *by fax to 202-245-0452*
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Matthew J. Warren, Esq., *by e-mail to mjwarren@sidley.com*