

BEFORE THE SURFACE TRANSPORTATION BOARD

22695

STB FINANCE DOCKET NO. 35356

ABC & D RECYCLING, INC.

LEASE AND OPERATION EXEMPTION OF A LINE
OF RAILROAD IN WARE, MASSACHUSETTS

WITHDRAWAL OF NOTICE OF EXEMPTION

Submitted by:

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Counsel for ABC & D Recycling, Inc.

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Pursuant to 49 CFR 1150.31 et seq. ABC & D Recycling, Inc., ("ABC & D") filed a Verified Notice of Exemption to operate railroad trackage in Ware, Massachusetts owned by O'Riley Family Trust. On March 19, ABC & D and the Massachusetts Department of Transportation filed a joint request that the effective date of the exemption be extended to April 3 and that the deadline for filing a motion to stay that effective date be extended to March 26 and the Town of Ware filed a Petition to Dismiss and a Request for Stay of the effective date of the exemption.

Upon further consideration ABC & D has determined that further discussions with interested parties are in order and, therefore, wishes to withdraw, without prejudice, its Verified Notice of Exemption.

RELIEF REQUESTED

ABC & D Recycling, Inc. requests that its Verified Notice of Exemption be deemed withdrawn without prejudice and that further proceedings in this matter be discontinued.

Respectfully Submitted:

/s/ Leonard M. Singer
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Counsel for ABC & D Recycling, Inc.

CERTIFICATE OF SERVICE

I, Leonard M. Singer, hereby certify that I served the foregoing on all parties. Such service was made by causing a copy of the foregoing to be mailed to Jamey Tesler and to David Wojcik on March 26, 2010.

/s/ Leonard M. Singer
Leonard M. Singer