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BEFORE THE SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 35397

ABC & D RECYCLING, INC.

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

**TOWN OF WARE'S REPLY TO ABC&D RECYCLING, INC.'S
MOTION FOR PROCEDURAL ORDER**

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Part of
Public Record

Submitted by:

David A. Wojcik
Christopher, Hays, Wojcik & Mavricos, LLP
370 Main Street
Worcester, Massachusetts 01608
508-792-2800
Dwojcik@chwmlaw.com

Counsel for the Town of Ware

August 24, 2010

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The Town of Ware replies as follows to ABC&D Recycling Inc.'s ("ABC&D") Motion for Procedural Order. ABC & D filed a Verified Notice of Exemption For Lease and Operation of a Rail Line Pursuant to 49 USC 10901 and 49 CFR 1150.31 on July 28, 2010. Notice was published in the Federal Register and the exemption is scheduled to go into effect on August 27. On August 17 the Town of Ware filed a Verified Petition to Reject And/or Dismiss Verified Notice of Exemption and Request for Stay of Effective Date of Exemption. ABC&D filed its Motion for Procedural Order on August 20, 2010 requesting that it have until September 7 to file its response to the Town's Verified Petition and that the Board stay the effective date of the exemption until September 27.

The Town of Ware does not object to granting ABC&D additional time to submit a reply to the Town's Petition. However, the Town of Ware does object to ABC&D's request that the effective date of the exemption be stayed until September 27, 2010. In light of the fact that the Town has requested that the exemption be stayed *and/or rejected or dismissed* in its entirety, the exemption date should be stayed until such time as the Board has issued a decision on the Town's filing, not until a date of ABC&D's choosing. The Town therefore request that the

effective date of the exemption be stayed pending the Board's Decision on the Town's Verified
Petition to Reject And/or Dismiss Verified Notice of Exemption and Request for Stay of
Effective Date of Exemption.

Respectfully Submitted:

/s/ David A. Wojcik
David A. Wojcik
Christopher, Hays, Wojcik & Mavricos, LLP
370 Main Street
Worcester, Massachusetts 01608
508-792-2800
Dwojcik@chwmlaw.com

Counsel for the Town of Ware

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the attached Town of Ware's Reply to ABC&D's Motion for Procedural Order, upon all parties of record in this proceeding, by electronic mail to:

Leonard M. Singer, Esq.
101 Arch Street, Ninth Floor
Boston, MA 02110

Jamey Tesler, Esq.
Massachusetts Department Of Transportation
Ten Park Plaza
Boston, MA 02116-3969

And by first class mail, prepaid to:

James Colman
Commonwealth Of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
One Winter Street
Boston, MA 02108

August 24, 2010

/s/ David A. Wojcik
David A. Wojcik, Esq
Christopher, Hays, Wojcik & Mavricos, LLP
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Worcester, MA 01608
508-792-2800