

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

MOTION FOR PROCEDURAL ORDER

Submitted by:

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Counsel for ABC & D Recycling, Inc.

August 20, 2010

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ABC & D Recycling, Inc. (“ABC & D”) hereby moves for a procedural order in this matter.

As background, 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 requests that it have until September 7 to file its response to the Town’s Verified Petition. Under the circumstances it agrees that it is appropriate for the Board stay the effective date of the exemption and suggests an effective date of September 27.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I, Leonard M. Singer, hereby certify that I served the foregoing on all parties. Such service was made by electronically mailing the foregoing to David A. Wojcik, Counsel for the Town of Ware, Jamey Tesler, counsel for the Massachusetts Department of Transportation and Laura Swain, Counsel for the Massachusetts Department of Environmental Protection on August 20, 2010.

/s/ Leonard M. Singer  
Leonard M. Singer