

OAKLAND LAW GROUP, PLLC

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January 22, 2020

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By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

ENTERED
Office of Proceedings
January 22, 2020
Part of
Public Record

Re: STB Docket No. FD 36376, *Spectrum Holdings, LLC – Operation
Exemption – Railroad Line in the Town of Brookhaven, N.Y.*

Dear Ms. Brown:

This letter is submitted on behalf of Brookhaven Rail, LLC (“BHR”), which, on January 17, 2020, was served a copy of the Decision issued in the above-referenced proceeding by the Acting Director of the Office of Proceedings. In the Decision, the Acting Director determined that the December 20, 2019 Verified Notice of Exemption (the “Notice”) filed by Spectrum RR Holdings, LLC (“SRHL”) in this docket raised certain questions that must be answered before the Surface Transportation Board (“Board”) can take further action.

BHR appreciates the Board furnishing it with a copy of the Decision because, prior to receiving it, BHR was completely unaware that SRHL had filed the Notice. Neither SRHL nor its corporate parent, Sills Road Realty, LLC (“Sills”), had informed BHR of the proposed transaction described therein at any time previously.¹ BHR was surprised to learn in the Decision that Sills desires to replace BHR and that it believes it has the authority to unilaterally do so. More surprising to BHR was the revelation, as represented to the Board by SRHL, that BHR would “through appropriate Board processes, cease to be a rail common carrier within the [Brookhaven Rail Terminal (“BRT”)].” Decision at 1. Any implication that BHR concurs with the proposed transaction and that it has agreed to cease its common carrier operations within the BRT is blatantly false. BHR has no intention of ceasing its common carrier rail operations at the BRT.

BHR concurs that the Notice raises questions that must be answered before the Board can take further action. To that end, BHR intends to provide a more complete response to the Decision and in opposition to the proposed transaction on or before the February 6, 2020 date established for SRHL to provide additional information to the Board.

Please do not hesitate to contact the undersigned at (248) 536-3285 or wclifford@oaklandlawgroup.com if you have any questions.

¹ Based on inquiries made by BHR representatives upon receiving a copy of the Decision, the short line with which BHR interchanges traffic in and out of the BRT - New York & Atlantic Railway Company – was completely unaware of either the Notice being filed or the general plan by Sills to try to replace BHR with SRHL.

Sincerely,

OAKLAND LAW GROUP, PLLC

/s/ William B. Clifford, Jr.

William B. Clifford, Jr.

Attorney for Brookhaven Rail, LLC

Cc: Counsel for Spectrum RR Holdings, LLC
Scott M. Zimmerman, Esq.
Parties on the Official Service List