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October 22, 2021

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: FD 36376, *Spectrum RR Holdings, LLC – Operation Exemption – Railroad Line in the Town of Brookhaven, NY*

FD 36384, *Sills Road Realty LLC – Acquisition Exemption – Railroad Line in the Town of Brookhaven, N.Y.*

FD 36385, *Spectrum RR Holdings, LLC – Acquisition and Operation Exemption – Line of Sills Road Realty LLC, In the Town of Brookhaven, N.Y.*

FD 36398, *Brookhaven Rail LLC – Construction and Operation Exemption – In Suffolk County, N.Y.*

FD 36399, *Brookhaven Rail LLC – Petition for Exemption from Requirements of 49 U.S.C. § 10909*

Dear Ms. Brown,

As part of settlements with various parties intended to resolve longstanding disputes and litigation surrounding Brookhaven Terminal and the proposed development of “Parcel D,” the Sills Parties¹ and Spectrum RR Holdings, LLC (“Spectrum”), as applicable, hereby move to withdraw with prejudice all of their past filings tendered in each of the above-referenced proceedings, which extends to the specific objections that the Sills Parties previously have raised in the FD 36398 and FD 36399 proceedings. Although likely unnecessary (and moot), given the status of the FD 36376, FD 36384, and 36385 proceedings, Sills Road and Spectrum have filed this motion to withdraw in each of those cases as well.

¹ Sills Road Realty LLC (“Sills Road”), Brookhaven Terminal Operations LLC, and Brookhaven Rail Freight Services LLC (collectively, the “Sills Parties”).

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The Sills Parties and Spectrum are making this request pursuant to a confidential agreement with NorthPoint Development LLC, and they reserve all of their rights thereunder and pursuant to related settlement agreements.

Please advise the undersigned if the Board requires any additional information in connection with the foregoing request.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Attorney for Sills Road Realty LLC, Brookhaven Terminal
Operations LLC, Brookhaven Rail Freight Services LLC,
and Spectrum RR Holdings, LLC

cc: All parties of record