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July 6, 2023

306808

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceeding
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings
July 6, 2023
Part of
Public Record

Re: Docket No. FD 36678
MMD Investment, LLC – Petition for Declaratory Order
Further Request for Institution of Proceeding

Dear Ms. Brown:

On May 30, 2023, MMD Investment, LLC (MMD) filed a Petition for Declaratory Order requesting that the Board determine that a strip of property that Consolidated Rail Corporation (Conrail) claims is subject at least in part to an easement for a railroad right of way, has either been abandoned by Conrail or in the alternative can be removed from the Board's jurisdiction. The Petition requested that the Board commence a proceeding under the Board's modified procedures and set a procedural schedule. Although not required, a copy of the Petition was served on Conrail.

No response was filed in the twenty days following the filing, nor has any response been filed in the eighteen days between the end of the twenty-day period and today. Accordingly, MMD requests that the Board proceed with the institution of a proceeding and the establishment of a procedural schedule.

Please let me know if you have any questions regarding this request.

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July 6, 2023
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I certify that a copy of this letter has been served by email on counsel for Conrail although Conrail is not listed as a party of record.

Respectfully,

CLARK HILL, PLC

s/ Eric M. Hocky

Eric M. Hocky

Justin J. Marks

Attorneys for MMD Investment, LLC

cc: Jocelyn Gabrynowicz Hill
Ashley Peacock
Danielle Goebel

EMH:e