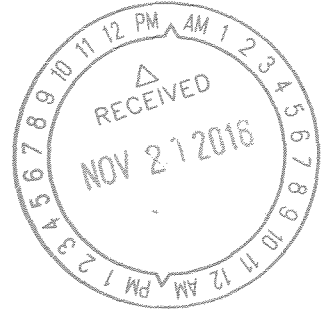


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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 36079



**CCET, LLC
—LEASE AND OPERATION EXEMPTION—
RAIL LINE OF NORFOLK SOUTHERN RAILWAY COMPANY
IN ADAMS COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 C.F.R. § 1150.41, ET SEQ.

FEE RECEIVED
November 21, 2016
SURFACE
TRANSPORTATION BOARD

FILED
November 21, 2016
SURFACE
TRANSPORTATION BOARD

James H. M. Savage
22 Rockingham Court
Germantown, MD 20874
(908) 361-7097
jsavagelaw@aim.com
Counsel for CCET, LLC

Dated: November 18, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 36079

**CCET, LLC
—LEASE AND OPERATION EXEMPTION—
RAIL LINE OF NORFOLK SOUTHERN RAILWAY COMPANY
IN ADAMS COUNTY, OHIO**

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 C.F.R. § 1150.41, ET SEQ.

CCET, LLC (“CCET”), an Ohio limited liability company and Class III carrier, hereby files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1150.41, et seq., to lease and operate a line of railroad from Norfolk Southern Railway Company (“NSR”). CCET and NSR entered a Lease Agreement dated March 14, 2014 (“Lease Agreement”), pursuant to which CCET leases a 24 mile portion of NSR’s CT Line, extending between milepost CT 9.0 at Clare, Ohio, and milepost CT 32.83, west of Williamsburg, Ohio.¹ CCET and NSR also entered into an amendment to the Lease Agreement dated December 9, 2014, to extend the lease roughly 29 miles from milepost CT 32.83, west of Williamsburg, Ohio, to milepost CT 62.20, east of Seaman, Ohio.² The parties now desire to further amend the Lease Agreement to allow CCET to lease an additional 16.25 miles of NSR trackage to the east, from milepost CT 62.20, east of Seaman, Ohio, to milepost CT 78.45, at Mineral Springs, Ohio

¹ CCET was granted authority for the original lease and operations in *CCET, LLC – Lease & Operation Exemption – Rail Line of Norfolk Southern Railway Company*, Finance Docket No. 35810 (STB served April 4, 2014).

² CCET was granted authority for lease and operation of the additional trackage in *CCET, LLC – Lease & Operation Exemption – Rail Line of Norfolk Southern Railway Company*, Finance Docket No. 35900 (STB served Feb. 6, 2015).

(referred to as the “Line Extension”), to allow CCET to pursue additional commercial opportunities.³ NSR will retain limited overhead trackage rights over the Line Extension.

In support of this Verified Notice of Exemption, CCET submits the following information as required by 49 C.F.R. § 1150.43:

(a) Full name and address of applicant.

CCET, LLC
232 SE Oak St.
Portland, OR 97214

(b) Applicant's Representatives.

James H. M. Savage
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Counsel for CCET, LLC

(c) Statement that an agreement has been reached or details about when an agreement will be reached.

NSR and CCET have entered into an Amendment to the Lease Agreement, dated October 17, 2016, under which CCET will lease and operate the Line Extension.

(d) Operator of the property.

In all cases anticipated by this Notice, and as described in the transaction summary provided below, CCET will hold itself out to provide all common carrier rail freight service over the subject rail property, with NSR retaining limited overhead trackage rights.

³ NSR previously had discontinued operations over the Line Extension in *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In Clermont, Brown and Adams Counties, Ohio*, STB Docket No. AB 290 (Sub-No. 370X) (as to milepost CT-62.20 east of Seaman, OH to milepost CT-73.50 at Plum Run, OH), and *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In Adams and Scioto Counties, OH*, STB Docket No. AB 290 (Sub-No. 373X) (as to milepost CT-73.50 at Plum Run, OH to milepost CT-78.45 at Mineral Springs, OH). However, NSR recently informed the Board that it was reactivating service and its common carrier obligation over the Line Extension. See Notification at 1-2, *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In Clermont, Brown and Adams Counties, Ohio*, STB Docket No. AB 290 (Sub-No. 370X) (filed Nov. 4, 2016).

(e) Summary of Proposed Transaction.

This exemption involves the lease and operation by CCET of certain rail property owned by NSR and which had previously been operated by NSR.

(1) The name and address of the railroad transferring operating interests in the subject Property:

Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(2) The proposed time schedule for consummation of the transaction:

CCET's lease and operation of the Line Extension is to commence on or after December 21, 2016, at least than 30 days after the filing of this Notice.

(3) The Mileposts of the subject property, including any branch lines:

CCET will lease and operate the portion of NSR's CT Line between milepost CT milepost CT 62.20, east of Seaman, Ohio, and milepost CT 78.45 at Mineral Springs, Ohio and passing through Adams County, Ohio.

(4) The total route miles being acquired:

CCET intends to lease and operate rail property comprising a total of approximately 16.25 additional route miles.

(f) Map.

A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and states is attached as Exhibit A.

(g) Certificate of Compliance with the provisions of 49 C.F.R. § 1150.43(g).

Attached as Exhibit B is a certificate affirming that CCET's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under 49 C.F.R. § 1150.45. The projected annual revenues of CCET from existing operations and new operations as a result of this transaction will not exceed \$5 million.

(h) Interchange commitments.

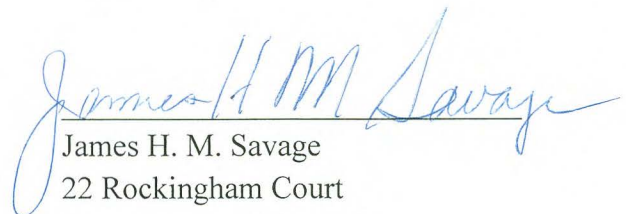
The lease between CCET and NSR does not contain any provision that prohibits, restricts, or would otherwise limit future interchange of traffic with any third-party carrier.

Other Information and Supporting Materials.

A caption summary, as required by 49 C.F.R. § 1150.34, is attached as Exhibit C to this notice. Pursuant to 49 C.F.R. § 1105.6(c)(2)(i), the proposed transaction is exempt from environmental review because the action proposed herein will not exceed any of the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

In addition, the transaction is exempt from historic review under 49 C.F.R. § 1105.8(b)(1), because CCET's lease and operation of the Line is for the purpose of continued rail operations. Further STB approval would be required to abandon any service, and there are no plans to dispose or alter properties subject to STB jurisdiction that are 50 years or older. This action will not significantly affect the quality of the human environment or energy conservation.

Respectfully submitted,



James H. M. Savage
22 Rockingham Court
Germantown, MD 20874
(908) 361-7097
jsavagelaw@aim.com
Counsel for CCET, LLC

Dated: November 18, 2016

EXHIBIT A

November 2016 CCET Expansion Area Map with Norfolk Southern network references

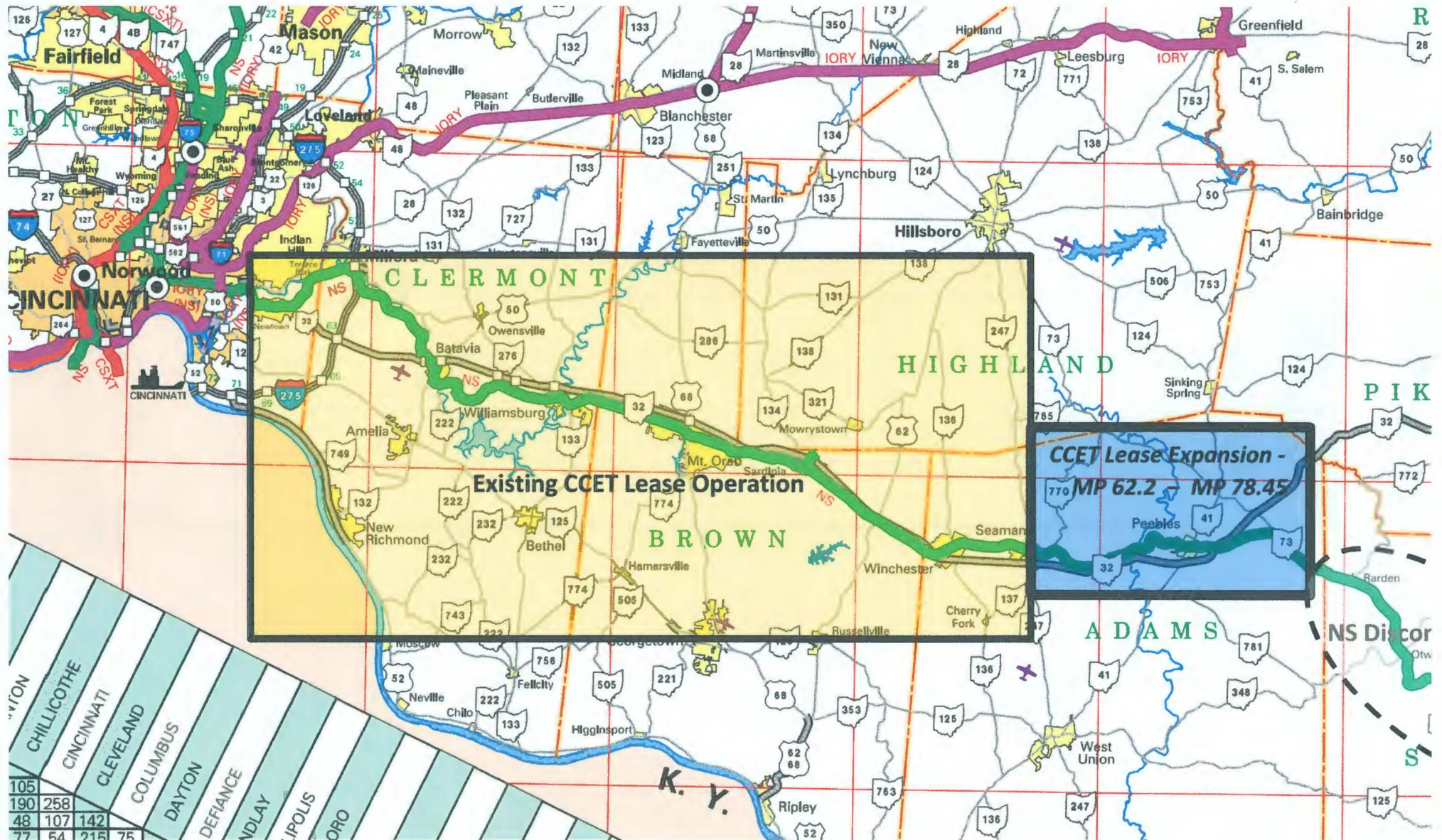


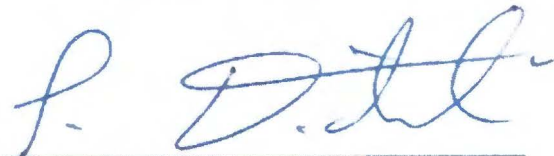
EXHIBIT B

Exhibit B

VERIFICATION AND CERTIFICATE OF COMPLIANCE

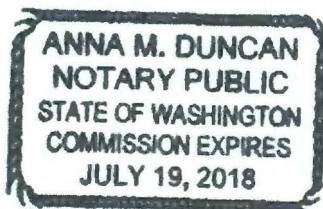
I, Paul Didelius, declare under penalty of perjury that I am the Owner of CCET, LLC, that I have read the foregoing Notice of Exemption, know the facts asserted therein, and that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this notice.

I also hereby certify that CCET's projected annual revenues will not as a consequence of this transaction result in CCET becoming a Class II or Class I rail carrier so as to require processing of the foregoing notice of exemption under 49 C.F.R. § 1150.45, and that CCET's projected annual revenue for the lines to be operated pursuant to this notice, combined with CCET's projected annual revenue from other operations, do not exceed \$5 million dollars.



Paul Didelius
Owner, CCET, LLC

Dated: November 18, 2016



State of Washington
County of Nalla Malla
On this 16 day of Nov, 2016, Paul Didelius
personally appeared before me,
☒ who is personally known to me,
— whose identity I verified on the basis of _____,
— whose identity I verified on the oath affirmation of _____,
a credible witness,
to be the signer of the foregoing document, and he/she acknowledged that he/she signed it.

Notary Public
My Commission Expires July 19, 2018

EXHIBIT C

**EXHIBIT C
CAPTION SUMMARY**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

STB Finance Docket No. 36079

**CCET, LLC
—LEASE AND OPERATION EXEMPTION—
RAIL LINE OF NORFOLK SOUTHERN RAILWAY COMPANY
IN ADAMS COUNTY, OHIO**

CCET, LLC (“CCET”), a Class III, has filed a Notice of Exemption, pursuant to 49 C.F.R. Section 1150.41 et seq., to lease and operate a portion of Norfolk Southern Railway Company’s (“NSR’s”) CT Line of railroad, extending a distance of approximately 16.25 miles between milepost CT 62.20, east of Seaman Ohio, and milepost CT 78.45, at Mineral Springs, Ohio, and passing through Adams County, Ohio (the “Line Extension”).

CCET currently leases a 53.2 mile portion of NSR’s CT Line, extending between milepost CT 9.0 at Clare, Ohio, and milepost CT 62.20 east of Seaman, Ohio.¹ The parties now desire to amend their lease agreement to permit CCET to lease the Line Extension to the east to allow CCET to pursue additional commercial opportunities. NSR will retain limited overhead trackage rights over the Line Extension.

Comments must be filed with the Board and served on CCET’s representative:

¹ CCET was granted authority for its current lease and operations in *CCET, LLC – Lease & Operation Exemption – Rail Line of Norfolk Southern Railway Company*, Finance Docket No. 35810 (STB served April 4, 2014), and *CCET, LLC – Lease & Operation Exemption – Rail Line of Norfolk Southern Railway Company*, Finance Docket No. 35900 (STB served Feb. 6, 2015).

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jsavagelaw@aim.com
Counsel for CCET, LLC

The notice of exemption is filed under 49 C.F.R. § 1150.41. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay effectiveness of the transaction.

Dated:

By the Board.