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ENTERED
Office of Proceedings
June 5, 2017
Part of
Public Record

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June 5, 2017

VIA E-FILING

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

Re: STB Docket FD 36124
Dover and Rockaway River Railroad, LLC - Operation Exemption - County of Morris, NJ

STB Docket FD 36125
Kean Burenga - Continuance in Control Exemption - Dover and Rockaway River Railroad, LLC, Belvidere & Delaware River Railway Company, Inc. and Black River & Western Corp.

Request for Shortened Notice Periods

Dear Ms. Brown:

The above-referenced notices of exemption were received and docketed by the Board on June 2, 2017. The exemptions would normally be effective 30 days after filing on July 2, 2017.

However, Dover and Rockaway River Railroad, LLC ("DRRR") has committed to the County of Morris to be authorized to commence operations by July 1, 2017, immediately following the expiration of the operating agreement of the current operator on June 30, 2017. In a good faith attempt to meet this deadline, DRRR tendered its notice of exemption to FedEx on May 31, 2017, with the reasonable expectation that it would be delivered overnight to the Board by June 1, 2017. Similarly, Kean Burenga ("Burenga") submitted his notice of exemption to allow him to continue in control of DRRR when DRRR commences operations. For unknown

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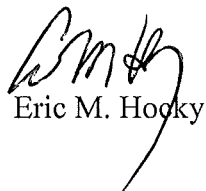
reasons, FedEx did not attempt delivery at the Board on June 1 until after the Board was closed for the day. The filings were re-delivered on June 2, 2017. A copy of the FedEx tracking receipt is enclosed.

Based on the foregoing, DRRR and Burenga request that the Board shorten the applicable notice periods in these proceedings from the standard 30 days to a period of 29 days, and allow the exemptions to become effective on July 1, 2017. DRRR and Burenga acted in good faith to file their notices in a timely manner, and the one-day delay in filing was caused by circumstances outside of their control. Accordingly, they believe that good cause exists to shorten the notice periods as requested to allow DRRR to commence operations (under Burenga's control) in a timely manner. DRRR and Burenga do not believe that shortening the notice period will adversely affect any persons.

Please let me know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hooky

EMH/dml
Enclosure

Ship date 

Wed 5/31/2017

Clark Hill PLC

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2005 Market Street, Suite 1000

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Delivered

Signed for by R HAM



Actual delivery

Fri 6/02/2017 10:22 am

Surface Transportation Board

395 E ST SW

395 E ST SW

WASHINGTON, DC US 20423

202 245-0350

Request Notifications

Obtain Proof of Delivery

More actions▼

Travel History

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▲ Date/Time	Activity	Location
■ 6/02/2017 - Friday		
10 22 am	Delivered	WASHINGTON DC
8 24 am	On FedEx vehicle for delivery	WASHINGTON DC
7 01 am	At local FedEx facility	WASHINGTON DC
■ 6/01/2017 - Thursday		
8 39 pm	At local FedEx facility	WASHINGTON DC
8 31 pm	At local FedEx facility	WASHINGTON DC
5 52 pm	Delivery exception	WASHINGTON DC
	Customer not available or business closed	
3 28 pm	On FedEx vehicle for delivery	WASHINGTON, DC
10 30 am	At local FedEx facility	WASHINGTON DC
3 25 am	At destination sort facility	DULLES VA
■ 5/31/2017 - Wednesday		
9 15 pm	Left FedEx origin facility	PHILADELPHIA, PA
6 44 pm	Picked up	PHILADELPHIA, PA
5 38 pm	Picked up	PHILADELPHIA, PA
	Tendered at FedEx Office	
3 00 pm	Shipment information sent to FedEx	