

247991

Paul A. Cunningham
Harkins Cunningham, LLP
1700 K Street, N.W., Suite 400
Washington, D.C. 20006
(202) 973-7600
pac@harkinscunningham.com

ENTERED
Office of Proceedings
June 20, 2019
Part of
Public Record

June 20, 2019

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
385 E Street, S.W., Room 1034
Washington, D.C. 20424

**Re: Docket No. FD-36322, Athens Transportation Partners, LLC—Acquisition
Exemption— From The Athens Line, LLC**

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding is the **Verified Notice of
Exemption of Athens Transportation Partners, LLC Pursuant to 49 C.F.R. § 1150.31**, and
its relevant attachments dated June 19, 2019.

Should you have any questions or need additional information, please feel free to contact
me at (202) 973-7600.

Sincerely,



Paul A. Cunningham
Attorney for Athens Transportation Partners, LLC

FEE RECEIVED
June 20, 2019
SURFACE
TRANSPORTATION BOARD

FILED
June 20, 2019
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

Docket No. FD-36322

ATHENS TRANSPORTATION PARTNERS, LLC—ACQUISITION EXEMPTION— FROM
THE ATHENS LINE, LLC

VERIFIED NOTICE OF EXEMPTION

Dated: June 20, 2019

Paul A. Cunningham
Harkins Cunningham, LLP
1700 K Street, N.W., Suite 400
Washington, D.C. 20006
(202) 973-7600
pac@harkinscunningham.com

Before the
SURFACE TRANSPORTATION BOARD

Docket No. FD-36322

ATHENS TRANSPORTATION PARTNERS, LLC—ACQUISITION EXEMPTION— FROM
THE ATHENS LINE, LLC

VERIFIED NOTICE OF EXEMPTION

Athens Transportation Partners, LLC (“ATP”) hereby submits its Verified Notice of Exemption pursuant to 49 C.F.R. Part 1150, Subpart D (Exempt Transactions Under 49 U.S.C. 10901) for ATP’s acquisition from The Athens Line, LLC (“Athens Line”) of approximately 6.5 miles of rail line extending from milepost F-98.8 (in Athens, GA) to milepost F-105.3 (in Athens, GA) (the “Line”).

Applicant’s full name and address: 49 C.F.R. § 1150.33(a). Applicant’s full name is Athens Transportation Partners, LLC. Applicant’s address is 6400 Powers Ferry Road NW, Suite 400, Atlanta, GA 30339.

Information required by 49 C.F.R. § 1150.33(b):

Name: Harkins Cunningham LLP

Address: 1700 K Street NW, Suite 400, Washington, DC 20006

Attention: Mr. Paul Cunningham

Phone: (202) 973-7601

Statement required by 49 C.F.R. § 1150.33(c). Athens Line has agreed, subject to closing, to convey the Line and the appurtenant rights thereof to ATP via quitclaim deed pursuant to a Purchase and Sale Agreement dated as of March, 21 2019 (“Purchase Agreement”).

The operator of the property: 49 C.F.R. § 1150.33(d). Effective May 25, 2019, Athens Line discontinued service over the Line pursuant to a Notice of Discontinuance filed by Athens Line in Surface Transportation Board Docket No. AB-1274X. ATP has no plans to operate common carrier service over the Line. ATP, however, will assume the common carrier obligation for the Line and for arranging any common carrier service over the Line that may be required in the future.

Additional information required by 49 C.F.R. § 1150.33(e)(1) through (4).

(1) The name and address of the railroad transferring the subject property: The Athens Line, LLC. Located at 1096 N. Cherokee Road, Social Circle, GA 30025.

(2) The proposed time schedule for consummation of the transaction: Under the terms of the Purchase Agreement, the parties plan to consummate the proposed transaction on or before the later of August 18, 2019 or ten (10) days after the approval of this exemption.

(3) The mile-posts of the subject property, including any branch lines: The Line extends from milepost F-98.8 (in Athens, GA) to milepost F-105.3 (in Athens, GA). There are no branch lines.

(4) The total route miles being acquired: ATP will acquire approximately 6.5 route miles.

Certification required by 49 C.F.R. § 1150.33(g). Applicant's projected revenues do not exceed those that would qualify it as a Class III carrier. No traffic has run over the Line during the past two years, and service over the Line was discontinued effective May 25, 2019 pursuant

to a Notice of Discontinuance filed by Athens Line in Surface Transportation Board Docket No. AB-1274X. Affirmation of this certification is attached as Attachment B.

Certification required by 49 C.F.R. § 1150.33(h). The proposed acquisition does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier.

No traffic has run over the Line during the past two years, service over the Line was discontinued effective May 25, 2019 pursuant to a Notice of Discontinuance filed by Athens Line in Surface Transportation Board Docket No. AB-1274X, and ATP certifies that there are no interchange agreements or commitments encumbering the Line. Affirmation of this certification is attached as Attachment B.

Information required by 49 C.F.R. § 1150.33(f). Please find the map attached as Attachment A. There are no stations or termini along the Line.

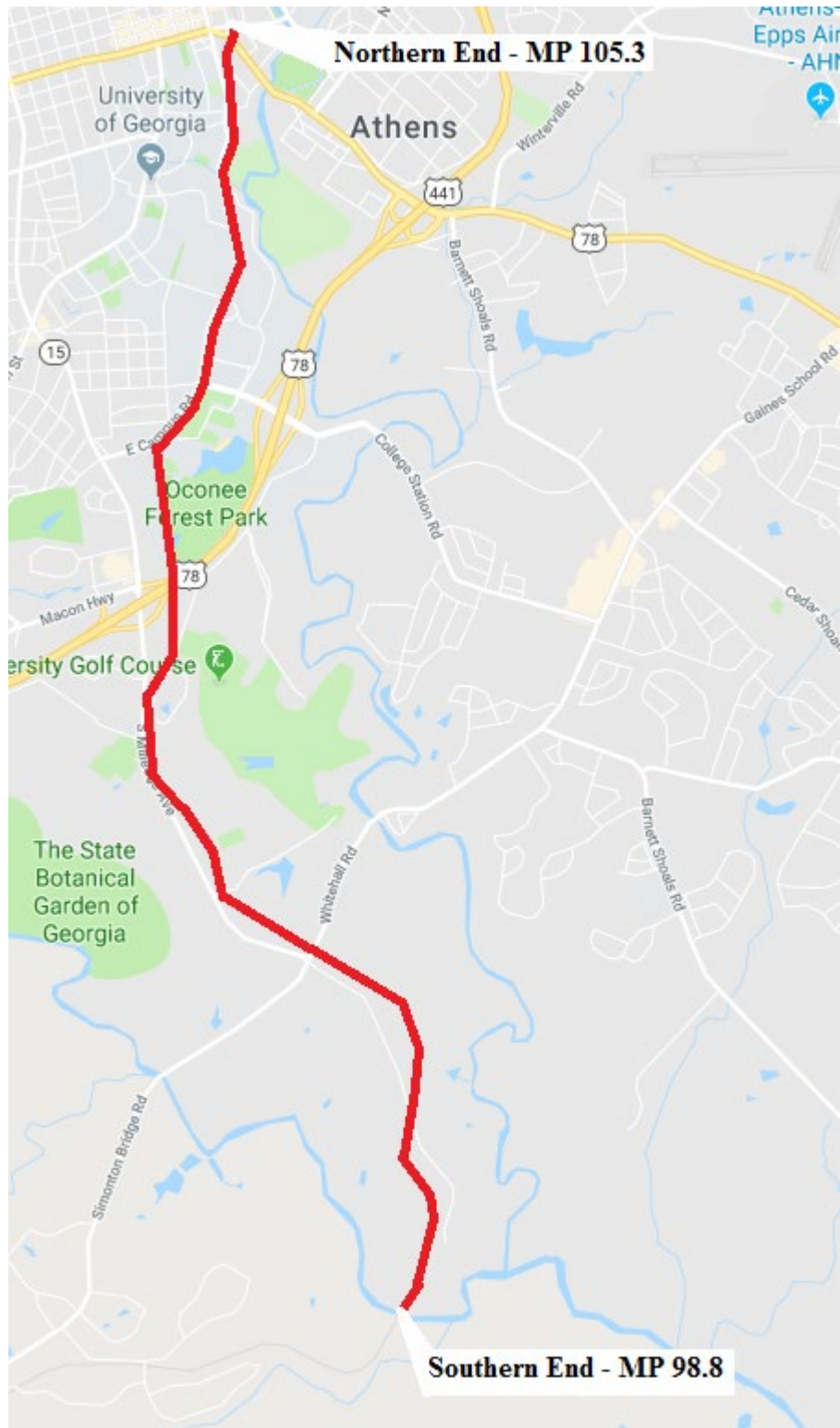
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Cunningham", is written over the typed name and contact information.

Paul A. Cunningham
Harkins Cunningham, LLP
1700 K Street, N.W., Suite 400
Washington, D.C. 20006
(202) 973-7600
pac@harkinscunningham.com
Attorney for Athens Transportation
Partners, LLC

Dated June 20, 2019

ATTACHMENT A - MAP



**ATTACHMENT B – AFFIRMATION OF CERTIFICATIONS UNDER 49 C.F.R. §
1150.33(g) AND 1150.33(h) PURSUANT TO 49 C.F.R. § 1104.5**

I Paul A. Cunningham, certify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Notice of Exemption. Executed on June 20, 2019.

A handwritten signature in black ink, reading "Paul A. Cunningham". The signature is written in a cursive style with a large, stylized initial "P". The name "Paul A. Cunningham" is written in a smaller, more legible cursive script. The signature is positioned below the printed text of the affidavit.

ATTACHMENT C – CAPTION SUMMARY PURSUANT TO 49 C.F.R. § 1150.34

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. FD-36322

ATHENS TRANSPORTATION PARTNERS, LLC—ACQUISITION EXEMPTION— FROM
THE ATHENS LINE, LLC

Athens Transportation Partners, LLC has filed a notice of exemption to acquire a portion of The Athens Line, LLC's line extending approximately 6.5 miles between milepost F-98.8 (in Athens, GA) and milepost F-105.3 (in Athens, GA). Comments must be filed with the Board and served on Harkins Cunningham LLP (attention of Mr. Paul Cunningham) located at 1700 K Street NW, Suite 400, Washington, DC 20006.

The notice is filed under 49 CFR 1150.31. 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 the transaction.