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December 14, 2016

VIA E-FILING

Rachel D. Campbell
Director, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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Public Record

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Re: FD No. 36078, James Riffin--Petition for
Declaratory Order

Dear Ms. Campbell:

I write as counsel to Consolidated Rail Corporation ("Conrail"). In this proceeding, Mr. Riffin filed a petition for declaratory order on or around November 16, 2016. Conrail timely replied on December 5, 2016. Since the beginning of December, Mr. Riffin has filed seven additional documents in the docket, the latest being a document emailed to parties in the proceeding on December 14, 2016, and styled "Fifth Supplement to Petition for Declaratory Order Additional Technical Reason Why a Proceeding Should Be Instituted."

Absent a Board request, Conrail does not plan to respond to Mr. Riffin's latest supplement or to his other previously-filed supplements, or to the additional supplements that he is likely to file in the future. See Riffin's Position on When Replies Are Due at 2 (filed Dec. 9, 2016, and stating that he is likely to file additional supplements and/or amendments).

Conrail's silence should not be regarded as reflecting any agreement with Riffin's contentions and arguments, or as conceding the propriety of Mr. Riffin's multiple submissions.

Sincerely,

Robert M. Jenkins III/acs

Robert M. Jenkins, III

cc: Parties of Record