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September 11, 2013

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ENTERED

Office of Proceedings

September 11, 2013

Part of

THOMAS F. MCFARLAND

By e-filing

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

 GRANTED Office of Proceedings	Public Record DECISION ID NO.: <u>43370</u>
	DECIDED DATE: <u>9-26-13</u>
	SERVICE DATE: <u>9-27-13</u>
	APPROVED: <u>Richard C. Brittain</u> <i>Acting</i> Director
	☐

Re: STB Docket No. NOR 42138, *Horry County, South Carolina, et al. v. Baltimore and Annapolis Railroad Company, d.b.a. Carolina Southern Railroad Company*

Dear Ms. Brown:

Hereby transmitted is a Petition for Leave to Intervene for filing with the Board in the above referenced matter.

Very truly yours,

Tom McFarland

Thomas F. McFarland

TMcf:kl:enc:\1608\ef\STB3.NOR42138

cc: Thomas C. Brittain, Esq., by *UPS* overnight mail

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. NOR 42138

HORRY COUNTY, SOUTH CAROLINA,
MARION COUNTY, SOUTH CAROLINA,
COLUMBUS COUNTY, NORTH CAROLINA,
CITY OF CONWAY, SOUTH CAROLINA,
TOWN OF FAIR BLUFF, NORTH CAROLINA,
TOWN OF CHADBOURN, NORTH CAROLINA,
TOWN OF TABOR CITY, NORTH CAROLINA,
CITY OF WHITEVILLE, NORTH CAROLINA,

and

METGLASS, INC.

Complainants.

v.

THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY,
d.b.a. CAROLINA SOUTHERN RAILROAD COMPANY,

Defendant.

PETITION FOR LEAVE TO INTERVENE

NEW SOUTH COMPANIES, INC.
3700 Claypond Road
Myrtle Beach, SC 29579

Petitioner

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
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mcfarland@aol.com

Attorney for Petitioner

Date Filed: September 11, 2013

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. NOR 42138

HORRY COUNTY, SOUTH CAROLINA,
MARION COUNTY, SOUTH CAROLINA,
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THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY,
d.b.a. CAROLINA SOUTHERN RAILROAD COMPANY,

Defendant.

PETITION FOR LEAVE TO INTERVENE

Pursuant to 49 C.F.R. § 1112.4(a), NEW SOUTH COMPANIES, INC. (New South)
hereby petitions for leave to intervene in the captioned proceeding in support of the
Complainants.

IDENTITY OF PETITIONER

New South is a wholly-owned subsidiary of Canfor Corporation. New South used the Defendant's rail line extensively prior to the embargo of that line. New South is harmed by the continued inability to ship and/or receive by rail.

INFORMATION REQUIRED BY 49 C.F.R. § 1112.4

1. The proposed intervention would not unduly disrupt the schedule for filing verified statements in the proceeding. (*See* 49 C.F.R. § 1112.4(a)(1)). No such schedule has been adopted as of yet.
2. The proposed intervention would not unduly broaden the issues raised in the proceeding. (*See* 49 C.F.R. § 1112.4(a)(2)). Petitioner has not raised any issues beyond those raised in the Complaint.
3. Petitioner has the same interest as Complainants in the subject matter of the Complaint, i.e., New South is harmed by the absence of rail service. (*See* 49 C.F.R. § 1112.4(b)(1)).
4. Petitioner strongly supports the relief sought in the Complaint. (*See* 49 C.F.R. § 1112.4(b)(2)).
5. Petitioner seeks the same relief that is sought in the Complaint. (*See* 49 C.F.R. § 1112.4(b)(3)).

WHEREFORE, Petitioner should be permitted to intervene in support of Complainants.

Respectfully submitted,

NEW SOUTH COMPANIES, INC.
3700 Claypond Road
Myrtle Beach, SC 29579

Petitioner

Thomas F. McFarland

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Attorney for Petitioner

Date Filed: September 11, 2013

CERTIFICATE OF SERVICE

This is to certify that on September 11, 2013, a true copy of this Petition For Leave To Intervene, was served on Thomas C. Brittain, Esq., The Brittain Law Firm, P.A., 4614 Oleander Drive, Myrtle Beach, SC 29577, by UPS overnight mail.

Thomas F. McFarland
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