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LEGAL SERVICES DEPARTMENT

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November 13, 2017

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

VIA ELECTRONIC FILING

Re: **Docket No. FD 35918**
City of Appleton -- Petition for Declaratory Order

Dear Ms. Brown:

The City of Appleton (the "City"), petitioner in the above-captioned proceeding, has reached an agreement with respondent Wisconsin Central Ltd. ("WCL") that fully resolves the matters raised in the City's April 2, 2015 Petition for Declaratory Order. The City accordingly withdraws its Petition and requests that the Board dismiss this proceeding with prejudice, and without costs to any party.

Counsel for WCL and for Union Pacific Railroad Company, the other respondent herein, have indicated that they have no objection to the requested dismissal.

Please feel free to contact me if you have any questions regarding this filing. Thank you for your assistance on this matter.

Sincerely,

James P. Walsh
City Attorney

cc: Thomas J. Litwiler, Esq.
Jeremy M. Berman, Esq.

JPW:jljg

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46148</u>
	DECIDED DATE: <u>11-17-17</u>
	SERVICE DATE: <u>11-17-17</u>
	APPROVED: <u>[Signature]</u> Acting Director
☐	

James P. Walsh
City Attorney

Christopher R. Behrens
Deputy City Attorney

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