

ORIGINAL

LAWRENCE W. BIERLEIN
DOUGLAS M. CANTER
JOHN M. CUTLER, JR.
ANDREW P. GOLDSTEIN
STEVEN J. KALISH
RICHARD D. LIEBERMAN
CHANNING D. STROTHER, JR.

OF COUNSEL
KAREN R. O'BRIEN

LAW OFFICES
McCARTHY, SWEENEY & HARKAWAY, P.C.
SUITE 600
2175 K STREET, N.W.
WASHINGTON, D. C. 20037
(202) 393-5710

FACSIMILE
(202) 393-5721

E-MAIL
MSH@MSHPC.COM

WEBSITE
[HTTP://WWW.MSHPC.COM](http://www.mshpc.com)

March 22, 2002

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Vernon A. Williams, Esq.
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 700
Washington, DC 20423

ENTERED
Office of the Secretary
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Public Record



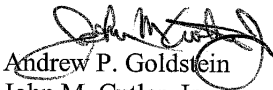
Re: Finance Docket No. 34052
Green Mountain Railroad Corporation -- Petition for Declaratory Order

Dear Secretary Williams:

On March 2, 2002, the State of Vermont filed its Opposition to Green Mountain Railroad Corporation's Supplemental Petition in the above-referenced finance docket. Appended to the State's Opposition was a copy of the Motion for Clarification the State filed with the U.S. District Court for the District of Vermont. At page 3 of its Opposition, the State directed the Board's attention to that Motion and stated "The appropriate response by this Board is to wait until such time as the District Court rules on the State's Motion for Clarification before taking any action."

Effective March 21, 2002, the District Court denied the State's Motion for Clarification. A copy of the Court's denial is attached.

Respectfully submitted,


Andrew P. Goldstein
John M. Cutler, Jr.
Attorneys for
Green Mountain Railroad Corporation

cc: All Parties of Record

The Court has already found that "defendants' effort to enforce . . . the 1997 Permit . . . requires further development of the record." See Paper 21 at 10. This motion provides no additional factual information which would assist in that inquiry. Motion DENIED.
Dated at Brattleboro, Vermont this 21st day of March, 2002

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609



UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

Green Mountain Railroad Corporation,
Plaintiff

v.

State of Vermont, Vermont Agency of
Natural Resources, and William H.
Sorrell as Attorney General of the State
of Vermont,
Defendants

Docket No. 1:01-cv-181

**DEFENDANTS' MOTION FOR CLARIFICATION
OF THIS COURT'S SEPTEMBER 26, 2001 ORDER**

Defendants State of Vermont, Vermont Agency of Natural Resources and
William H. Sorrell, as Attorney General of the State of Vermont (collectively the
"State" or "Vermont") respectfully ask this Court to grant the Defendants'
Motion for Clarification of this Court's September 26, 2001 Order.

LEGAL MEMORANDUM

I. PROCEDURAL BACKGROUND

On June 6, 2001, Green Mountain Railroad Corporation ("GMRC") filed a
complaint in Vermont Federal District Court requesting injunctive and
declaratory relief regarding the scope of preemption by the Interstate
Commerce Commission Termination Act of 1995 ("ICCTA") of Vermont's state
land-use law, Act 250. GMRC requested similar declaratory relief before the
Surface Transportation Board in a petition filed on June 5, 2001.