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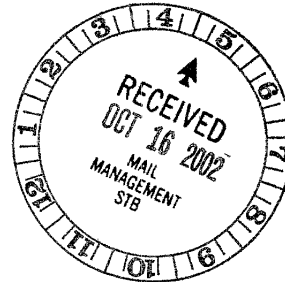
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October 16, 2002



Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

**Re: Finance Docket No. 34040 – Riverview Trenton Railroad Company –
Petition for an Exemption from 49 U.S.C. 10901 to Acquire and
Operate a Rail Line in Wayne County, MI**

Dear Secretary Williams:

Enclosed for filing please find an original and ten copies of the Supplemental Report of Riverview Trenton Railroad Company and Response to Reply Reports of Wayne County and City of Trenton on Settlement Discussions.

Sincerely,


David H. Coburn

Enclosure

cc: All Parties of Record

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LONDON

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34040

**RIVERVIEW TRENTON RAILROAD COMPANY – PETITION FOR AN EXEMPTION
FROM 49 U.S.C. 10901 TO ACQUIRE AND OPERATE A RAIL LINE IN WAYNE
COUNTY, MI**

**SUPPLEMENTAL REPORT OF RIVERVIEW TRENTON RAILROAD COMPANY
AND RESPONSE TO REPLY REPORTS OF WAYNE COUNTY AND CITY OF
TRENTON ON SETTLEMENT DISCUSSIONS**



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Public Record**

J. William Koegel, Jr.
David H. Coburn
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
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October 16, 2002

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34040

**RIVERVIEW TRENTON RAILROAD COMPANY – PETITION FOR AN EXEMPTION
FROM 49 U.S.C. 10901 TO ACQUIRE AND OPERATE A RAIL LINE IN WAYNE
COUNTY, MI**

**SUPPLEMENTAL REPORT OF RIVERVIEW TRENTON RAILROAD COMPANY
TO RESPONSE TO REPORTS OF WAYNE COUNTY AND CITY OF TRENTON ON
SETTLEMENT DISCUSSIONS**

Riverview Trenton Railroad Company (“RTRR”) files this supplemental report on settlement negotiations to bring to the Board’s attention relevant new information that bears directly on the credibility of certain matters raised by the Local Government parties during settlement discussions and in their reports to the Board on such discussions. RTRR also hereby responds to the latest allegations and affidavits submitted by Wayne County and the City of Trenton in their October 8, 2002 Replies to RTRR’s Status Report.¹

I. Introduction

RTRR has recently obtained copies of August 2002 letters exchanged between the City of Trenton and Detroit Edison Company (“DTE”) that directly undermine the requests of certain Local Government parties to delay this proceeding to allow for further settlement discussions on the possible relocation of RTRR’s facility to the nearly adjacent DTE site. *See* attached Verified Statement of B. Michael Blashfield (“Blashfield V.S.”) at ¶ 8 and Exhibit 2. The letters make

¹ RTRR hereby moves for leave to file this Supplemental Report on the ground that it addresses relevant new information that has only recently come into RTRR’s possession and new arguments raised by Wayne County and the City of Trenton.

clear that DTE has no intention whatever of making its property available for RTRR rail operations, and that at least City of Trenton officials and their attorney have had direct knowledge of that fact for months. The letters thus directly contradict assertions made in Board filings by the City of Trenton (including in its October 8 Reply) and Wayne County and illustrate that these parties failed to act in good faith during the course of the negotiations. They are powerful evidence that (a) the Local Governments' DTE proposal was not an available option from the time it was raised with RTRR at the initial settlement meeting on August 13, (b) at least two of the Local Governments knew this throughout the subsequent settlement discussions with RTRR, and (c) they concealed this information from both RTRR and this Board in order to mislead the Board into believing further delay to allow discussion of the relocation option was warranted. In addition to reflecting on the credibility of the City of Trenton and Wayne County, the letters also raise the question of whether those parties engaged in "good faith" settlement discussions as directed by the Board's June 21 decision in this proceeding.

The County's October 8 diatribe against RTRR, which is based in large measure on the absolutely unfounded allegation that RTRR intends to expand its facility (to 1000 acres or to 250 acres or by an additional 60 acres), a further attempt to toss at the Board one false issue after another in the hope that something will stick. The fact is that RTRR has not changed its plans from those set forth in its Petition.

Further, RTRR does not believe that the Board asked the parties to engage in good faith settlement discussions so that they could then use those discussions as a means of developing "ammunition" that the parties could then throw at one another. However, the Local Governments seem intent on distorting statements made by RTRR representatives at these meetings in a way that serves their purposes in this proceeding. At the same time, it is now clear

that the Local Governments were leading RTRR and the Board to believe that they were offering a credible relocation proposal and that RTRR was being intransigent. The Board should see these tactics for what they are.

II. The Recently Disclosed Letters Contradict the Local Governments' Representations to the Board

Neither the County nor Trenton ever disclosed during the settlement discussions with RTRR -- or ever disclosed to the Board -- that Trenton had been told by DTE as early as August 8, 2002 that DTE had no interest whatever in providing any portion of its property for RTRR's use.² The August 9, 2002 letter from Trenton Mayor Brown to Mr. Douglas Gipson, DTE's Executive Vice President for Power Generation, discussing an August 8 meeting of the parties, unmistakably demonstrates that DTE said "no" to relocation idea. Blashfield V.S. at ¶¶ 8-9 and Blashfield Exhibit 2. DTE's "no" was then punctuated by its 'no means no' letter of August 16, 2002 from Mr. Gipson to Mayor Brown. *Id.* These letters, which were copied to Trenton's attorney, were only recently provided to RTRR by Mayor Brown. Blashfield V.S. at ¶ 8.

The letters leave no doubt that DTE currently uses the property at issue for quarrying and fly ash disposal in support of its power generation business. Mr. Gipson's letter also leaves no question of the intent to operate that quarry on that site for another 50 years, and that the entire property is needed for that and other power-generation related purposes. He does not leave the door open even a crack for further discussions on the issue.

In communications with RTRR and the Board, however, the Local Governments have consistently claimed otherwise. The September 20 status reports filed by Trenton and Wayne

² See Blashfield V.S. at ¶ 9 and attached Verified Statement of Dannie Stamper ("Stamper V.S.") at ¶ 7, both attesting to the fact that RTRR was never told of the Trenton/DTE letters during the course of the settlement discussions.

County note that during the course of settlement discussions, including at meetings held on August 27, September 3, September 4 and September 6, the Local Governments vigorously pushed the proposition that RTRR might move its operations to the DTE site. In its September 20 Report, Wayne County noted that the DTE relocation proposal was first raised by the Local Governments at the initial August 13, 2002 settlement discussions, after (as we now know) DTE had already rejected the whole notion of relocation. County Report at 8. The County nonetheless painted the proposed relocation of RTRR to the DTE property as a realistic proposal that was progressing forward with ample chance for success. County Report at 11.

The County thus baldly asserted (at page 11 of its Report) that, as of September 6, "there was some progress being made with regard to acquisition efforts on the DTE site," a comment which the letters submitted here show to be an unmitigated falsehood. Moreover, in light of the alleged "progress" on the acquisition of the DTE site and the alleged "realistic hope that many of RTRR's other conditions with regard to the DTE site could be satisfied," the County reported that the Local Governments had asked RTRR to agree to an extension of the settlement discussions "to see whether a deal could be finalized." County Report at 12. The County likewise asked the Board "to direct the parties to continue negotiating regarding alternative locations generally and the DTE site specifically." County Report at 16.³

Similarly, in its September 20 Report, Trenton stated unequivocally that, "the City was engaged in active negotiations to secure the alternative [DTE] site," again, an unmitigated falsehood. Trenton Report at 4. The City thus requested an additional four months to explore

³ In its October 8 Reply, Wayne County no longer expressly requests further settlement discussions to explore the DTE proposal, and instead asks the Board to either deny RTRR's Petition or to engage in a pointless environmental review of 60 unspecified acres that RTRR does not own, as discussed further below. The County -- in classic understatement -- notes for the first time that DTE has "raised impediments to the proposed property swap," yet inexplicably asserts that with time these obstacles could be overcome.

"the suitability and existence of alternate sites." Trenton Report at 6. In a September 27, 2002 letter to RTRR's counsel, which was attached to RTRR's October 1 Reply to the Status Reports, Trenton's attorney further claimed that the City had "suspended its efforts to secure additional information about the DTE site" only when the negotiations with RTRR ended. While not responding to RTRR's request for specific information about the Trenton/DTE negotiations, Trenton's attorney asserted that the City was prepared to "resume its efforts to flesh out the details of the DTE alternative should your client wish to resume those discussions," but failed to note that DTE had previously rejected further exploration of any relocation proposal. Trenton's attorney, of course, knew better. He was copied on both the August 9 and 16 letters.

Trenton's October 8 Reply to RTRR continues to promote the flawed view that the DTE site is suitable for RTRR's rail operations.⁴ The Reply is replete with statements that the DTE site is a viable alternative and comments casting aspersions on RTRR for suggesting anything less -- points reiterated by Trenton's Mayor in an October 13 guest column in a local newspaper, with no mention of DTE's position. See *Blashfield V.S.* at Exhibit 1.⁵

In short, the DTE proposal has been a non-starter from the first day it was raised with RTRR on August 13, 2002, at the outset of the settlement discussions. Trenton, and its Local Government allies, knew throughout the course of the settlement negotiations with RTRR -- *and*

⁴ Trenton even criticizes RTRR for not explaining that DTE does not use all of its site for quarrying operations. Trenton October 8 Reply at 3-4. Trenton, of course, was in a much better position to explain how DTE does use its property, since it, not RTRR, possessed the August 16 letter from DTE providing such information.

⁵ In a recent Detroit News article (see Exhibit 3 to *Blashfield V.S.*), Trenton Mayor Brown was quoted as saying, "I think if we [Trenton and RTRR] work together, public access to the river and [RTRR's] plans are do-able. If not, we're going to unleash all the government agencies and lawmakers we've got." Apart from the apparent threatened use of local government power to stifle RTRR's operations, the Mayor's statement may reveal an intention on the part of the Local Governments to force DTE to change its view on relocation by "unleashing" these same agencies and lawmakers on DTE.

at the time of their filings with this Board -- that DTE had no interest whatever in making its tract available, that discussions on this point were no more than a charade, and that further discussions would only delay, not resolve, this proceeding. In fact, the Local Governments have repeatedly castigated RTRR for characterizing the proposal as speculative, all the while knowing that their DTE proposal was nothing more than a diversion.

These facts speak powerfully. The actions of Trenton and its allies reflect directly on the credibility of the statements that these parties have made to the Board on the DTE matter and other issues. Further, it exposed a fundamental lack of "good faith" by Trenton during the negotiating sessions. The Board should not reward such conduct by delaying a decision in this proceeding, but should promptly grant RTRR's Petition for Exemption.

III. Wayne County's October 8 Filing Is Simply More Name-Calling

Having failed to disclose that the relocation proposal at the center of its September 20 filing was never viable to begin with, the County switches gears in its October 8 filing to a renewed attack on RTRR's credibility. This latest attack is built around the concocted contention that RTRR "has every intention of acquiring 60 acres adjacent to its current property, thereby almost doubling the scope of the project that has been the subject of environmental review." Wayne County Reply at 1. In support of this claim, the County submits a series of virtually identical affidavits from Local Government participants in the settlement negotiations, each of which states that at meetings on September 3 and/or September 6, RTRR sought as part of a settlement agreement an understanding that it would have an opportunity to pursue the purchase of an additional 60 acres from DSC.⁶

⁶ Trenton's October 8 Reply speaks (at page 6) to RTRR's intention to acquire 65 additional acres, contradicting the affidavits of the Trenton parties submitted with the County's filing.

Those affidavits are misleading. RTRR proposed that it or an affiliate retain merely the right to acquire up to 60 acres of DSC property at some future time only as a counterproposal to the Local Governments' request for an open-ended commitment from RTRR not to acquire *any* additional DSC property by any means at any time. Moreover, there is no assurance that RTRR or an affiliated entity and DSC will be able to reach an agreement on the sale of additional property if and when RTRR or an affiliate were to make a decision to acquire the property. The proposition of RTRR acquiring additional property is, accordingly, speculative.

More importantly, RTRR has already explained, even if RTRR or another entity were to acquire additional DSC property, that would have no bearing on the operation of RTRR's rail line. RTRR has no plans to operate its line other than on the approximately 1.5 miles of track identified in its May 1, 2002 Petition for Exemption, consisting of the line situated on RTRR's property and on the easement that RTRR owns on DSC's property. It has no plans to change the estimated number of trains that would be operated, the number of trucks that would use the RTRR facility, the nature of the transportation services that RTRR intends to provide or on any other factor relevant to the environmental review that has already been completed.⁷

Finally, the County's October 8 Reply reasserts a series of alleged prior RTRR misrepresentations that have already been addressed. By raising these issues once again, the County is engaged here in mere character assassination. The record shows as follows:

⁷ The County and its witnesses also claim that at an earlier point in the settlement negotiations, RTRR claimed that it was going to purchase 1,000 additional acres, which would effectively mean that RTRR would have to acquire not only all the remaining DSC property, but the property of other area business as well, including property owned by numerous major industrial landowners in the area. See *Blashfield V.S.* at ¶ 2. This notion is absurd on its face. RTRR never made such a claim. A reference made at one point in the discussions to a 1,000 acre intermodal terminal was to a different facility altogether – the Detroit Intermodal Freight Terminal or DIFT. See *Stamper V.S.* at ¶ 5; *Blashfield V.S.* at ¶ 5. The assertion that RTRR also intends to acquire all of the remaining DSC property is likewise untrue. *Blashfield V.S.* at ¶ 7; *Stamper V.S.* at ¶ 4.

- The allegation that RTRR is pursuing this matter in an effort to avoid an eminent domain taking of its property is false. RTRR's rail plans were fully disclosed to public officials well before the County took an initial step to pursue an eminent domain action.⁸
- The allegation that RTRR has claimed before the Board that it was acquiring an operating railroad is false. RTRR has never misrepresented what it is acquiring.⁹
- The allegations that RTRR is not now a common carrier, does not now provide railroad service or own rail equipment are true, but irrelevant. RTRR is a start-up carrier that requires Board authorization or exemption before it can provide service, and that is simply following the Board's rules and procedures.¹⁰
- The allegation that RTRR will not provide service outside its own facility is untrue. RTRR will engage in interstate carriage of common carrier freight, interchanging that freight with Class I carriers like any other short line or port railroad. Further, RTRR intends to hold itself out to serve the adjacent DSC steel facility.¹¹
- The allegation that there is no precedent for RTRR's service is untrue. As RTRR has previously explained, it intends to offer service that is not essentially different from that which any number of port shortlines offer and which is of a nature that the Board's predecessor has found to be jurisdictional. The fact that RTRR's parent has not previously engaged in this type of operation is irrelevant.¹²

⁸ See Appendix to March 21, 2002 RTRR Reply to Supplemental Evidence and Argument of County of Wayne, City of Trenton and Grand Trunk Western Railroad Incorporated at 1-4. See also March 8, 2001 RTRR Reply to Wayne County Petition to Revoke in Docket No. 33980 at 7-12.

⁹ See May 1, 2001 RTRR Petition for Exemption, which fully describes RTRR's intention to operate over the tracks on the site of the former McLouth steel factory.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² See, e.g., *Association of P&C Dock Longshoremen v. The Pittsburgh and Conneaut Dock Co., et al.*, 8 I.C.C.2d 280, 291-292 (finding rail carrier that transfers cargo between vessels and other railroads under arrangements with other rail carriers to be providing common carrier rail transportation service within the ICC's jurisdiction); *Pacific Harbor Line, Inc. -- Operation Exemption - Port of Los Angeles*, STB Finance Docket No. 33411 (Dec. 2, 1997) (exempting acquisition of rights to provide switching services within Port of Los Angeles);

- The allegation that RTRR did not submit evidence from those who would benefit from its services is untrue. Although RTRR has not yet undertaken any marketing of its services, it submitted substantial evidence in support of its Petition from numerous shippers and others who would benefit from its operations, as well as from noted rail operational experts and others.¹³

CONCLUSION

The Local Governments remain committed to a “not in my backyard at any cost” approach to RTRR’s Petition. Neither their “hide the ball” strategy with respect to their DTE relocation proposal nor their “throw the kitchen sink at RTRR” strategy should be rewarded, particularly given their obvious failure to make appropriate disclosures to the Board about the availability of the DTE property and their failure to engage in the “good faith” negotiations contemplated by the Board. The RTRR Petition stands on its own merits and the Board should judge it on those merits in light of the relevant criteria for exemption.

Respectfully submitted,



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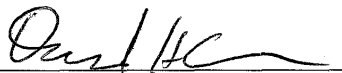
October 16, 2002

Diamond State Port Railway Company, Inc. -- Lease and Operation Exemption -- Diamond State Port Corporation and F.A. Potts & Company International, Inc., STB Finance Docket No. 33755 (June 25, 1999) (exempting lease and operation by new railroad over port-area terminal track not previously subject to Board jurisdiction); Effingham Railroad Company -- Petition for Declaratory Order -- Construction at Effingham, IL., 2 S.T.B. 606 (1997) (holding in that and subsequent proceedings that operation of shortline that intends to switch cars with other railroads, using track not previously used for jurisdictional operations, is subject to Board jurisdiction.) These and other cases are addressed in greater detail in RTRR’s March 2001 Replies to the Petitions to Revoke in Docket 33980, and in RTRR’s March 21, 2002 Reply to Supplemental Evidence and Argument.

¹³ See RTRR’s March 7, 2002 Response to February 15 Request to Supplement Record, which included numerous shipper and other support statements.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2002, a copy of the Supplemental Report of Riverview Trenton Railroad Company was served by first class mail, postage prepaid, upon counsel for all parties of record.


David H. Coburn

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34040

**RIVERVIEW TRENTON RAILROAD COMPANY – PETITION FOR AN EXEMPTION
FROM 49 U.S.C. 10901 TO ACQUIRE AND OPERATE A RAIL LINE IN WAYNE
COUNTY, MI**

**VERIFIED STATEMENT OF
B. MICHAEL BLASHFIELD**

I, B. Michael Blashfield, hereby declare and state under oath as follows:

1. I am the Director of Governmental Relations for CenTra, Inc. ("CenTra"), a Michigan corporation located at 12225 Stephens Road, Warren, Michigan 48089, and its various subsidiaries, including Crown Enterprises, Inc. ("Crown"), Logistics Insight Corporation, and the Riverview Trenton Railroad Company ("RTRR").

2. I was present, together with Mr. Dan Stamper and RTRR counsel, at each of the negotiating sessions that were held in this proceeding following the Surface Transportation Board's June 21, 2002 decision instructing the parties to engage in settlement discussions, including the meetings on August 13, August 27, September 3, September 4 and September 6. I have also read the October 8, 2002 Reply of Wayne County to Status Report of Riverview Trenton Railroad Company, as well as each of the affidavits that was attached to that Reply. Certain of these Affidavits report that RTRR representatives stated at an August 27, 2002 settlement meeting that RTRR's business plan for the area adjacent to RTRR's 76 acre property

included 250 acres. Certain affiants repeat that claim, and also state that RTRR representatives indicated at a September 3 meeting that they would like to acquire as much as 1,000 acres in the area to complete its business plan. Some of the affiants also claim that at a September 6 meeting, RTRR representatives asked representatives of Wayne County and Trenton to allow RTRR “a window period” to exclusively pursue the purchase of an additional 60 acres of DSC property, “without clearance from the County” or “without interference from the City.” One of the affiants -- Wayne County’s outside counsel -- also claims that at a September 4 meeting RTRR asserted, as a precondition to any further negotiations, that the three interested Local Governments consent to RTRR’s acquisition of such 60 acres.

3. I have never claimed, and no RTRR representative ever told any of the parties at the settlement discussions, that implementation of the rail operations over the 1.5 mile line described in RTRR’s May 1, 2001 Petition for Exemption, or development of the related terminal RTRR intends to operate in conjunction with its rail operations, requires any additional property. As RTRR stated in its October 1, 2002 Reply to the Settlement Reports of the Local Government parties, RTRR’s rail plans as described to the Board remain unchanged, and would not be altered in any respect were RTRR or any affiliate, at some future time, to successfully negotiate for the purchase of additional DSC or other property.

4. The notion that RTRR intends to acquire as much as 250 or even 1,000 adjacent acres for its rail operations is simply wrong. The 250 acres described in the affidavits attached to the Wayne County October 8 filing is apparently a reference to the acquisition of the balance of the DSC property. That property, combined with RTRR’s current property, totals about 220 acres. RTRR already has an easement to operate its rail line through the DSC property, providing the approximately 1.5 miles of track over which it intends to conduct rail operations.

RTRR does not need the balance of the DSC property to conduct its rail or related terminal operations. I have never stated otherwise.

5. With respect to the 1,000 acres that the affiants claim RTRR would like to acquire, Mr. Stamper explains in his verified statement that they have entirely misconstrued a comment he made at the September 3 meeting, concerning the approximately 1,000 acres that the proposed Detroit Intermodal Freight Terminal ("DIFT") project would consume. Mr. Stamper made a comment at that meeting about the City of Detroit's opposition to the 1,000 plus acre DIFT project. Somehow, the Local Government representatives construed this as relating to RTRR's project. I noted after reading the affidavits attached to Wayne County's October 8 filing that none of these affidavits address which RTRR representative made reference to the "1,000 acres," let alone the context in which the comment was made. Further, a 1,000 acre acquisition of property adjacent to RTRR's current site would require that acquisitions be made from numerous active industrial and commercial entities in the immediate vicinity of the RTRR property, an undertaking totally outside the bounds of RTRR's intentions.

6. On October 3, 2002, I received a telephone call from Trenton Mayor Brown. He wanted to clarify the facts about the "1,000 acre proposal" before he finalized a forthcoming "Guest Editorial" for the local News Herald newspaper. During that conversation, and again in person on October 4, I reminded Mayor Brown that the "1,000 acre" reference had nothing remotely to do with RTRR's plans in the Trenton area, but rather referred to the DIFT. I believe that he understood me as he did not challenge my remark or indicate any disagreement with it. In fact, I understood that, on the basis of our conversation, he removed any reference to the "1,000 acres" that he advised he had previously included in his Editorial, which appeared in the October 13 edition of the newspaper. See Exhibit 1 to this Verified Statement. Thus, I was

particularly surprised to see that his affidavit and that of other Trenton officials submitted with Wayne County's October 8 filing contained incorrect assertions about RTRR's intention to acquire 1,000 acres in the area.

7. RTRR's position on the 60 acre issue has already been discussed in RTRR's October 1, 2002 Reply to the Status Reports on the Settlement Discussions, and is discussed in Mr. Stamper's accompanying statement. As part of a negotiation during which the Local Governments sought a unilateral commitment that neither RTRR nor any corporate affiliate would acquire any additional DSC property, RTRR representatives countered that RTRR wanted to retain the option of acquiring as many as 60 additional acres. Such additional property, were it to be acquired, could be used for future growth of the RTRR terminal or for other purposes related to the needs of other CenTra transportation companies. The negotiation, part of a settlement discussion, took place in the context of future possibilities, not concrete plans or immediate needs to fulfill a particular business plan.

8. Concerning the proposal of the Local Governments that RTRR relocate to adjacent property owned by Detroit Edison Company, on October 4, I asked Mayor Brown if he could supply to me copies of any correspondence between his office and DTE officials on that matter. On that day, he supplied me with a copy of his August 9, 2002 letter to Mr. Douglas Gipson, DTE's Executive Vice President for Power Generation. Subsequently, on October 8, I received a letter from Mayor Brown forwarding a copy of Mr. Gipson's August 16, 2002 reply. These various letters are attached as Exhibit 2 to this Verified Statement.

9. At no time during any of the settlement discussions among the parties did any Local Government representative advise me, Mr. Stamper or other RTRR representatives of the

letters described in the prior paragraph or of DTE's complete and firm rejection, as reflected in those letters, of the relocation idea propounded by the Local Governments. To the contrary, the Local Government representatives consistently advised that they had had only some preliminary discussions with DTE. Mayor Brown's October 13 guest editorial referenced above (see Exhibit 1) criticized RTRR for allegedly rejecting Trenton's proposal to relocate to the DTE property. That editorial makes no reference to the August 9 and 16 letters exchanged between the Mayor and DTE.

10. In a separate article on the RTRR dispute that appeared in the October 11, 2002 Detroit News (see attached Exhibit 3 to this Verified Statement), Mayor Brown is quoted as follows: "Ideally, we'd like [Centra-owner Manuel] (Maroun)(*sic*) to go away," he said, "but he won't go away. I think if we work together, public access to the river and his plans are do-able. If not, we're going to unleash all the government agencies and lawmakers we've got." This suggests that Trenton intends to continue to oppose and harass RTRR.

VERIFICATION

I, B. Michael Blashfield, hereby verify under penalty of perjury that all of the facts set forth in the attached Verified Statement are true and correct to the best of my knowledge. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. § 1001 by imprisonment up to five years and fines up to \$10,000 for each offense.

A handwritten signature in cursive script, appearing to read "B. Michael Blashfield", written over a horizontal line.

B. Michael Blashfield

October 16, 2002

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 October 13, 2002



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Gerald Brown: Trenton's plans for waterfront

In response to this newspaper's request, this column is written to provide the city of Trenton's position regarding future opportunities for the redevelopment of over 1.5 miles of waterfront within our community.

As I have indicated in a previous guest column, Trenton *does* have a vision for its waterfront.

The debate over the future of the Downriver waterfront has reached new crossroads. Unfortunately, it is on a collision course with a proposed railroad. The 225-acre waterfront was formerly occupied by McLouth Steel and the city attempted to purchase some of the land four years ago.

The land since has been sold. The sale occurred two years ago when Crown Enterprises, a subsidiary of a large trucking company owned by Manuel Moroun, also owner of the Ambassador Bridge and the old Detroit train terminal, purchased 75 acres straddling Riverview and Trenton and formed the Riverview Trenton Railroad Co., once Wayne County disclosed its interest in commencing condemnation proceedings.

It is important to note that much before the arrival of RTRR, in the fall of 1999, Trenton, in cooperation with the city of Riverview, submitted an application to the state for \$3.5 million to purchase the northern 75 acres from DSC Ltd. The source of the funding for this request was the Waterfront Redevelopment Grant program as part of Clean Michigan bond proceeds previously approved by Michigan voters.

However, we were not successful in receiving state funds to purchase the property.

The RTRR subsequently filed an application with the U.S. Department of Transportation's Surface Transportation Board for certification of the railroad based on its plan to use tracks on the property to create a short-haul railroad — part of its plan to operate an intermodal freight center for the transfer of freight by water, rail and truck.

Railroad certification would federally pre-empt most local land-use regulations the communities might otherwise impose, and provide the RTRR with its own condemnation rights to acquire more property.

Classifieds

The railroad certification case remains pending before the STB, which this summer gave the parties a 90-day directive to try to negotiate a resolution of their differences. Submissions to the STB have now been made and the board may either rule on the request for railroad certification or further extend the time period for negotiations.

Throughout negotiations with RTRR, it has repeatedly said that regardless of whether or not it receives its requested designation as a railroad from the STB, it is here to stay. Its contention is that it still can operate a trucking company on the 75 acres it has, with the expectation of 300 trucks entering and exiting daily.

During the 90-day negotiation period, the communities offered the RTRR several alternate sites for its operations away from the Downriver area, including the Port of Monroe, which would be eager to host the operation, having significant land as well as interstate road, rail and water connections.

These alternate sites were rejected by the RTRR as less desirable than the Trenton/Riverview site. The communities then began to explore non-waterfront locations in the area in the hopes that one might be an acceptable alternative to occupying the waterfront.

One such site is a portion of the DTE Energy quarry site that is significantly larger than the 75 acres now occupied by the RTRR. Its attractiveness lies in the fact that it also is adjacent to the major railroad through lines, has a rail spur of its own that serves the property and fronts on Fort Street, a major state highway that has the weight-bearing capacity to handle heavy trucks.

The RTRR rejected the proposal for use of this site because the communities had not:

- yet acquired the rights to the property.
- been able to show that it had sufficient rail on the property.
- shown that the Class I railroad operating adjacent to the site would agree to build connectors to the property.
- Shown that the 135-acre parcel was of sufficient size to allow the RTRR to assemble up to 100 train cars (1 1/2 miles) on the parcel.

The communities found these objections by the RTRR to be interesting in light of the fact that its current 75-acre parcel similarly lacked the purported requirements of 1 1/2 miles of straight track and that accumulating that much track would require the acquisition of still more acres from the remaining McLouth/DSC site.

The irony of this is that the RTRR likewise lacks control of the additional acreage it would need to operate on the Trenton site, just as the communities lack control over the DTE and other sites.

The disclosure of the RTRR's need for an additional 60 acres led to revelations that it would prefer to acquire the entire 225-acre McLouth site.

The RTRR proposed, as an alternative, to stay on the existing site but relocate West Jefferson Avenue at the Riverview boundary south, including the businesses located there, but preserve a narrow greenbelt strip along the water for public access.

The assurance of public access to the waterfront certainly is an admirable gesture by the RTRR; however, the cost of building overpasses for roads and rail, as well as relocating several businesses to straighten West Jefferson, which is estimated at \$60 million by Wayne County, to provide limited waterfront access does not appear to be a prudent use of taxpayer dollars.

Unfortunately, resources are scarce due to the state, counties and cities having their financial woes. While redevelopment of this area has been a priority project of the American Heritage River Initiative, it remains to be seen whether funding for this important project will materialize or whether the taxpayers will be asked to fund the undertaking.

In the event we receive a favorable ruling in the denial of the RTRR's status as a railroad, or an extension of time to negotiate further with the RTRR, I urge interested citizens to support the Trenton plan. Implementation of such a plan could result in a vastly different waterfront from what we have now.

It envisions residential waterfront access and industrial uses, as well as commercial use that would support the development's end uses. It is a blueprint for our future and one that can be achieved only through a cooperative effort by the private sector as well as government at our city, county, state and federal levels.

Now is the time for our opportunity. Future generations will be living with decisions made today. If other areas in the country, such as Pittsburgh, can redevelop obsolete industrial waterfront properties, shouldn't we?

Gerald Brown is mayor of Trenton.

Heritage Sunday, A Heritage Newspapers Weekly Publication
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CITY of TRENTON

2800 Third Street
Trenton, Michigan 48183

Gerald R. Brown, Mayor
William D. LeFevre,
Mayor Pro-Tem
Councilpersons:
Larry R. McKinnon
M. Janet Mans
Terrence P. Teifer
Timber R. Baun-Crooks
Timothy R. Taylor

August 9, 2002

Mr. Douglas R. Gipson, Executive Vice President
Power Generation
Detroit Edison Co.
111 East First St.
Monroe, Michigan 48161

Dear Mr. Gipson:

I wish to take this opportunity to thank you, Ms. Molly Luempert-Coy and Mr. John Erb for meeting with us yesterday afternoon to discuss matters involving property owned by Detroit Edison. This meeting resulted from our desire to meet with Mr. Anthony Earley, Chairman, President and CEO of Detroit Edison Co. As you may have detected, my frustration is rapidly increasing with what we are trying to do in deterring Crown Enterprises, Inc. (otherwise known to themselves as Riverview - Trenton Railroad) from operating their trucking/railroad operation along our riverfront.

The suggested plan to somehow facilitate a swap of Edison property west of West Jefferson and north of King Rd. with Crown's property east of W. Jefferson in the Sibley Rd. area, seemed like an excellent resolution to a potentially unfavorable situation in the cities of Trenton and Riverview. I was pleased to hear you say that you personally support the efforts of Congressman Dingell and the Heritage River initiatives, because I also am an advocate of reclaiming the riverfront for public access and enjoyment.

I'm troubled with comments that were made during our meeting regarding Detroit Edison being a good industrial neighbor and wishing not to upset residents of North Trenton and Riverview by being associated with swapping property to a trucking/railroad company. I'm sure that Edison does not want to get into any adverse public relations tiffs with residents and customers if they don't have to. One has to wonder though, what kind of public relations situation does your company have with those same residents of North Trenton and Riverview, with the blasting that goes on in your quarry. Most every Tuesday and Thursday my office receives numerous complaints by residents over the blasting. I'm sure that you are aware that the City of Riverview is currently involved in litigation with the blasting company that Edison has entered into a multi-year contract with to extract limestone from the site.

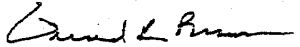
It is easy to say you agree with what Trenton is desirous of doing with the riverfront, but to take the blame for allowing Crown Enterprises to occupy your property to run their trucking/railroad operation is not acceptable to you. If we cannot convince Crown to relocate off the riverfront, it is probable that they will eventually secure all the riverfront property (an additional 200 acres)

Mr. Douglas R. Gipson
Page Two
August 9, 2002

from Sibley Rd. to King Rd. by purchasing it from the current owner, DSC, Inc. This would be a disaster for any possible reclaiming of riverfront for that mile long stretch and Heritage River initiative will be short changed.

If I've come across as somewhat terse in my comments, it was not my intent when I started out drafting this letter, but as I got going my frustration and emotions are not easy to hide. Please don't close the door on this issue, because quite frankly, if such a swap does not occur the entire region of the downriver area will suffer, not just Trenton and Riverview. Thank you again for the opportunity to meet and bearing with me on this matter.

Sincerely,



Gerald R. Brown
Mayor

Copy to: Mr. Anthony Earley, Chairman, President & CEO, Detroit Edison Co.
Members of Council
Brownfield Redevelopment Authority
City Attorney



CITY of TRENTON

2800 Third Street
Trenton, Michigan 48163

Gerald R. Brown, Mayor
William D. LeFevre,
Mayor Pro-Tem
Councilpersons:
Larry R. McKinnon
M. Janet Mans
Terrence P. Teifer
Timber R. Baun-Crooks
Timothy R. Taylor

October 8, 2002

Mr. Mickey Blashfield
Governmental Relations
12225 Stephens Road
Warren, MI 48089-2010

Dear Mickey:

Sorry about the delay in getting this letter from DTE's representative, Mr. Douglas Gipson, to you. As I had promised you, when I found it I would fax it off to you. I'll talk to you later.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Brown".

Jerry Brown
Mayor

RECEIVED

AUG 21 2002

CITY OF TRENTON
MAYOR'S OFFICE

Douglas R. Gipson
Executive Vice President, Power Generation
and Chief Nuclear Officer

111 E 1st St., Monroe, MI 48161-2100
Tel: 734.384.2660 Fax: 734.384.2664

August 16, 2002

The Honorable Gerald Brown, Mayor
City of Trenton
2800 third Street
Trenton, MI 48183

Detroit Edison



A DTE Energy Company

I wanted to respond to your August 9th letter resulting from the meeting we had last week on the issue of a potential "Land Swap arrangement" to deter Crown Enterprises, Inc. (otherwise known to themselves as Riverview-Trenton Railroad) from operating their trucking/railroad operation along the Trenton Riverfront.

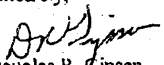
Please be assured that our position related to the potential of a land swap is not merely a public relations issue, as you implied in your letter. Rather our decision is based on sound business concerns that impact our operations. As a regulated utility, Detroit Edison has a heightened responsibility and obligation to operate efficiently and in the most economic way possible. Our 2.1 million customers, as well as our shareholders, rightfully hold us accountable for meeting that obligation. As we noted in our meeting with you, the proposed land swap poses major future operational issues for the quarry and our Trenton and River Rouge Power Plants. Ultimately, the proposal would result in an increased cost minimally of several millions of dollars annually for fly ash disposal and other facets of our operations.

Perhaps most relevant is the fact that excess land, as you describe it, does not exist. The Quarry is intended to operate for nearly another 50 years. Land surrounding the Quarry, but currently not in use is designated for future operations. It is essential to the long-term viability of our fly ash disposal plan for these power plants as well as the Quarry's viability.

As you are well aware, we remain committed to your community and demonstrate our support through numerous initiatives including our contribution and active membership on the North-South Connector Committee in Trenton and Gibraltar and more than \$500,000 to the Southeastern Michigan Foundation for greenways projects by our DTE Energy Foundation. In addition, we are active members of your community through property taxes, good paying jobs, monetary contributions as well as "people support" of numerous projects ranging from Chili Christmas in June and Taste of Trenton to our support of your community's United Way efforts. It is our hope and expectations that our partnership will continue for many years to come.

While we are unable to pursue your proposed land swap, please be assured that we support your efforts to reclaim the waterfront. Please feel free to call on us in your effort to develop other alternatives that may provide a means to reach that goal.

Sincerely,


Douglas R. Gipson
Executive Vice President Power Generation
and Chief Nuclear Officer

Copy to: Anthony Farley
John Erb
Molly L. Coy
Members of Trenton City Council
Trenton Brownfield Redevelopment Authority
Trenton City Attorney

Trenton, Riverview want deal to alter railroad plan - 10/11/02

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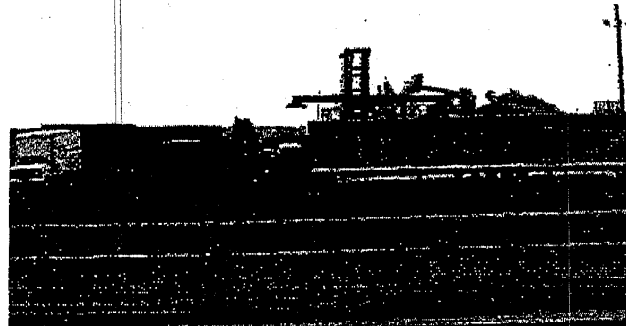
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Morris Richardson II / The Detroit News

Detroit businessman Manuel Maroun wants part of the Downriver property to be qualified as a railroad to operate a freight terminal.

Trenton, Riverview want deal to alter railroad plan

Towns want a park on the site

By Craig Garrett / The Detroit News

TRENTON -- The war between a landowner and two Downriver cities over 75 acres of prime real estate along the Detroit River is finally winding down.

Trenton and Riverview have asked a federal agency to delay a pending ruling on a company owned by Detroit businessman Manuel Maroun, who wants part of his Downriver property qualified as a railroad. He wants to operate a freight terminal at the waterfront property that runs along Jefferson.

Civic officials want the land, which straddles Trenton and Riverview, for recreation and new housing. They've offered to move the rail depot to inland locations, none of which are owned by the cities.

So far, Maroun has balked. A delay by the U.S. Surface Transportation Board may provide more time to negotiate with Maroun, Trenton officials contend.

"Why not get more time," Trenton Mayor Jerry Brown said. "This is a decision that will affect the entire region."

The property is the site of the former McLaughlin Steel mill. A part of the mill



Morris Richardson II / The Detroit News

Gary Darnell, who runs a Riverview radiator repair shop near the contested site, says the area has always been industrial, and he can't see anyone wanting to redevelop it.

<http://www.detnews.com/2002/wayne/0210/11/d03-609657.htm>

10/11/2002

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continues to produce rolled steel, but the vast majority of it hasn't operated for years.

The special designation Maroun seeks would also give his rail company powers to condemn land and to become exempt from some local ordinances. Local officials contend he'll use the exemption as a loophole to expand the rail depot and further hinder their efforts to open the waterfront.

Maroun insists the board make its decision quickly, so that his company can line up shipping business and start making a profit.

But access to Maroun's waterfront parcel would open it to public parks, a marina and other recreation, officials in both communities insist.

Industrial sites for decades have cloaked the waterfront and portrayed the region as smelly and sooty, town officials said. Although part of the Trenton steel mill would remain, the landscape would be forever altered.

The Surface Transportation Board has the final say on classifying the railroad, an issue that had divided the communities and Maroun for two years. Established in 1996, the federal agency regulates the transportation industry.

A ruling favoring the communities would likely force Maroun to accept alternative plans to move the cargo yard, scale back his plans or leave altogether.

Those anxious for a favorable ruling for the cities say access to waterfront property is crucial. Studies in southeast Michigan show that potential employers want good schools, clean air and plenty of recreation for potential workers, said Blair McGowan, a Grosse Ile activist who, in part, based a run for the Wayne County Commission on environmental issues such as Maroun's property.

And Downriver is losing population as people seek more open space, McGowan said.

"Significantly increase the quality of life and a community becomes more economically viable," he said. "(This) would be the first opportunity to reclaim the (Trenton) waterfront in more than 100 years."

Maroun's project would entail rail cars hauling cargo containers in and out of the depot. Trucks are used to deliver the containers. The so-called intermodal depot would mostly serve Metro Detroit auto companies and parts suppliers who need large quantities of freight in a centralized location.

How the events unfolded

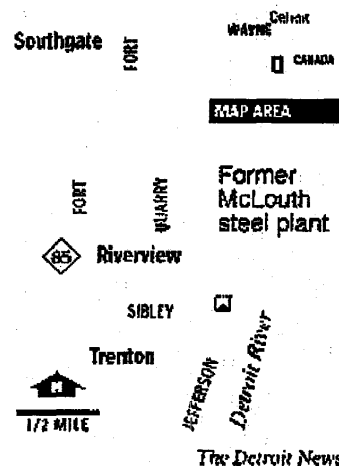
* Businessman Manuel Maroun in the late 1990s bought about 75 waterfront acres from the owner of the former McLouth steel plant, which straddles Trenton and Riverview. The 75 acres once were used to store rail cars and pile the byproducts of manufacturing steel.

* The land cost Maroun about \$5 million.

* Plans call for a mix of rail, shipping and trucks. Cargo containers would be bought to the depot by rail or ships, and then moved by truck to suppliers and manufacturers. The site is crisscrossed by rail, but it needs additional rail access from the northern edge of the property. The yard is already used to store shipping containers hauled in by trucks.

* City officials consider the property ideal for access to new housing, light commercial use, boating and other waterfront activities. Officials say the intermodal project would rob the cities of taxable value.

* Maroun, who owns the Ambassador Bridge and a dozen trucking companies, says the land is privately owned and should be left to his wishes.



The Detroit News

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Southeast Michigan has a dozen intermodal freight yards. State transportation authorities are studying the consolidation of a huge rail yard in Detroit and a wedge of south Dearborn. The intermodal idea is to limit the number of trucks on state roads and to keep a regular flow of goods in and out of the region.

But the issue in Trenton is also about control -- private landowners versus communities eager for open spaces. A similar battle is being waged downstream from Trenton, where environmentalists in Gibraltar and the U.S. Army Corps of Engineers have battled a Detroit company that wants to build housing on a sensitive parcel of wetlands.

Fighting nearly five years with the company, Made in Detroit, may cost the developer dearly. The 400-acre Humbug Marsh is scheduled for a bank auction sometime this month.

Maroun's spokesman Mickey Blashfield said his boss "very much understands the general angst" caused by the divide over land use, but "the bottom line is that this is private property, and we bought that property in good faith," he said. "There is a competing view of how the land is used, with the communities not having the means to implement" their vision.

At times, the objection to the rail depot from Trenton and Riverview residents has been fiery. But many of those living just across from the yard near Sibley Road seem to register fewer protests.

"I haven't heard anyone complaining," said Gary Darnell, who operates a Riverview radiator repair shop on Jefferson. "The area has always been industrial, and I can't see anyone ever wanting to redevelop it. I guess I don't know what's going to happen."

But a former Jefferson homeowner in Riverview, Giuseppe Mazzucato, said he'd "like to see something going. Wyandotte did a pretty good job with their riverfront. It would be beautiful to have a river at our doorstep. But will it happen? Probably not in my lifetime."

Trenton's Brown said his community will propose to Maroun that he relocate at a mineral quarry across from the steel mill. The site has rail access and better trucking routes. The alternative site would also keep Wayne County from spending millions to upgrade roads around the steel mill, Brown said.

"Ideally, we'd like (Maroun) to go away," he said, "but he won't go away. I think if we work together, public access to the river and his plans are do-able. If not, we're going to unleash all the government agencies and lawmakers we've got."

You can reach Craig Garrett at (313) 561-9646 or cgarrett@detnews.com.

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34040

**RIVERVIEW TRENTON RAILROAD COMPANY – PETITION FOR AN EXEMPTION
FROM 49 U.S.C. 10901 TO ACQUIRE AND OPERATE A RAIL LINE IN WAYNE
COUNTY, MI**

**VERIFIED STATEMENT OF
DANNIE STAMPER**

I, Dannie Stamper, hereby declare and state under oath as follows:

1. I am currently employed as the President of the Detroit International Bridge Company ("DIBC"), a Michigan corporation located at 12225 Stephens Road, Warren, Michigan 48089. DIBC is a wholly owned subsidiary of CenTra, Inc. ("CenTra"). As relevant to this matter, I also serve on the Board of Directors of CenTra. As a Board member, I have been involved generally with the development of rail transportation services in the Detroit area and specifically with the Riverview Trenton Railroad Company ("RTRR"), whose ultimate parent is CenTra.

2. I represented RTRR, together with Mr. Mickey Blashfield and RTRR counsel, at each of the negotiating sessions that were held in this proceeding following the Surface Transportation Board's June 21, 2002 decision instructing the parties to engage in settlement discussions. I have read the October 8, 2002 Reply of Wayne County to Status Report of Riverview Trenton Railroad Company, as well as each of the affidavits that was attached to that

Reply. Certain of these Affidavits report that RTRR representatives stated at an August 27, 2002 settlement meeting that RTRR's business plan for the area adjacent to RTRR's 76 acre property included 250 acres. Certain affiants repeat that claim, and also state that RTRR representatives indicated at a September 3 meeting that they would like to acquire as much as 1,000 acres in the area to complete its business plan. Some of the affiants also claim that at a September 6 meeting, RTRR representatives asked representatives of Wayne County and Trenton to allow RTRR "a window period" to exclusively pursue the purchase of an additional 60 acres of DSC property, "without clearance from the County" or "without interference from the City." One of the affiants -- Wayne County's outside counsel -- also claims that at a September 4 meeting RTRR asserted, as a precondition to any further negotiations, that the three interested Local Governments consent to RTRR's acquisition of such 60 acres.

3. I never claimed, and never told any of the parties to the settlement discussions, that implementation of the rail operations over the 1.5 mile line described in RTRR's May 1, 2001 Petition for Exemption, or development of the related terminal it intends to operate in conjunction with its rail operations, requires any additional property. RTRR's rail plans previously described to the Board remain unchanged. Those plans would not be altered in any respect were RTRR or any affiliate to successfully negotiate for the purchase additional DSC or other property at some point in the future.

4. The claims in the affidavits attached to the Wayne County October 8 filing that RTRR intends to acquire as much as 250 or even 1,000 adjacent acres for its rail operations are entirely untrue. I assume that the 250 acres described in those affidavits is a reference to the balance of the DSC property, which when combined with RTRR's current property, totals about 220 acres. As RTRR has made clear in its Petition for Exemption filed with the Board, RTRR

already has an easement to operate its rail line through the portion of the DSC property that it did not acquire. This easement, together with the track on the RTRR property, provides the approximately 1.5 miles of track over which RTRR intends to conduct rail operations. RTRR does not need to acquire additional DSC property or other property to operate that rail line. Further, some months prior to the settlement negotiations, there had been some discussions between RTRR and local officials related to fulfilling a concept whereby RTRR would make available riverfront property to the Cities of Riverview and Trenton as depicted in a concept drawing made available at the time by RTRR. While the acquisition of some additional property by RTRR came up in that context, the Local Governments have not chosen to pursue that option.

5. With respect to the 1,000 acres that the affiants claim RTRR would like to acquire, they have entirely misconstrued a comment that I made at the September 3 meeting. My comment had nothing to do with RTRR at all, but rather concerned the approximately 1,000 acres that the proposed Detroit Intermodal Freight Terminal ("DIFT") project would consume in the southwestern section of the City of Detroit. The Local Governments at the meeting had previously argued to the Board that the DIFT would address intermodal transportation needs in the Detroit area. During the course of a wide-ranging discussion, I noted the City of Detroit's opposition to the 1,000 plus acre DIFT intermodal project. The Local Government representatives apparently, but incorrectly, construed my comment as relating to RTRR's project and understood those comments as referring to an RTRR plan to acquire 1,000 acres. I make this assumption since my DIFT comment is the only reference to 1,000 acres that I ever made during our settlement discussions. RTRR has never contemplated acquisition of 1,000 acres in the area, and has no such plans. Further, given the industrial and commercial uses of the adjacent properties, the acquisition of anything close to 1,000 acres is a totally fanciful notion.

6. As to the allegations of its plans to acquire 60 acres, this issue arose in response to the proposal of the Local Government officials that RTRR unilaterally agree to a standstill arrangement whereby RTRR or affiliated companies would not acquire any further property in the area by open market purchase or by eminent domain. I stated at the September 3 meeting and in subsequent discussions that RTRR wanted, as a condition to agreeing to any standstill arrangement, to retain for itself or affiliated entities the option of acquiring as many as 60 additional acres without interference from the Cities or County. Such additional property, were it to be acquired, could be used for future growth of the RTRR terminal or could be used by RTRR affiliates for other purposes, but would not alter the current RTRR rail plans. However, I wanted to leave open the door to the possibility that RTRR or an affiliated company might wish to acquire such property at some point if an agreement could be reached to acquire it. I also wanted to avoid what the Local Governments sought, which was a binding commitment that there would be no further acquisitions of DSC property by RTRR or its affiliates. I never anticipated that the position that I took during this settlement discussion would be used as a basis by the Local Governments to seek further environmental reviews and attendant delays as there is no fixed plan to acquire the 60 acres and RTRR can conduct its planned rail operations without the additional 60 acres.

7. With respect to the proposal of the Local Governments that RTRR relocate to adjacent property owned by Detroit Edison Company ("DTE"), at no time during any of the August or September settlement discussions among the parties did any Local Government representative advise me or other RTRR representatives that DTE had flatly rejected this proposal in August 2002, prior to the initiation of our group discussions on August 13. In fact, at the August 27 meeting, when I inquired as to whether there had been any discussions with DTE

regarding whether DTE would make the property available, I was told by Mayor Brown that the Local Governments had not communicated with DTE on that subject and did not intend to do so unless they received encouragement from RTRR with respect to the relocation proposal. When the subject of DTE's response to the relocation proposal arose during our subsequent meetings, the Local Government representatives consistently advised me that they had had only some preliminary discussions with DTE. While I was skeptical for many reasons that a relocation proposal was feasible, the City of Trenton representatives stated that they were confident that relocation was a real opportunity and a viable solution based on some preliminary discussions with DTE. The August 2002 correspondence between Trenton's Mayor and DTE officials that has now come to light shows that this was absolutely not the case at all.

VERIFICATION

I, Dannie Stamper, hereby verify under penalty of perjury that all of the facts set forth in the attached Verified Statement are true and correct to the best of my knowledge. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. § 1001 by imprisonment up to five years and fines up to \$10,000 for each offense.



Dannie Stamper

October 16, 2002