

207043

John F. McHugh
Attorney at Law
6 Water Street, Suite 401
New York, NY 10004

↑
RECEIVED
JAN 14 2003
MAIL
MANAGEMENT
STB

Phone: (212) 483-0875
Fax: (212) 483-0876

ENTERED
Office of Proceedings

JAN 14 2003

Part of
Public Record

Of Counsel
W. Patrick Quast
164 Franklin Tpk.,
Waldwick, N.J. 07463,
201-444-5990
Fax 201-444-5094

January 14, 2003

Hon. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W. Room 715
Washington, D.C. 20423

FD 34281

RE: LB Railco, Inc. - Lease and Operation Exemption -
Providence and Worcester Railway Company

Honorable Sir:

I am the attorney for LB Railco, Inc. I have received the letter of Mr. Raymond dated January 13, 2003 by Telefax. In addition to responding to Mr. Raymond's letter, LB Railco seeks a further extension of time in which to respond to all pending motions and submissions for the reasons set forth below.

LB Railco never filed a motion to lift the stay. LB Railco replied to the Massachusetts Department of Environmental Protection's motion to deny it an exemption and the City's motion to stay the proceeding in each case asserting that no reason existed for the imposition of the stay. On December 20, 2002 we received a document from the National Solid Waste Management Association couched both as a reply to a Motion to Lift the Stay, which LB Railco did not make, and as a "Motion to Dismiss Notice of Exemption on the Ground That Waste Handling Operations of LB Railco, Inc are not subject to Exemption Under 10501(b) of the ICCTA". etc. This clearly appeared to be a new motion and LB Railco wishes to treat it as such. In addition to this motion, to add to the confusion, on January 2, 2003 I received a document from Mr. Raymond's firm the entitled "Industry Parties Verified Statement to Supplement Their Reply to LB Railco's Petition to Lift Stay" again addressing a motion LB Railco had not made but in fact being a supplement to the Industry Parties motion.

On December 26, 2002 we had received a new motion from the Town of Millbury. That motion sought to challenge the Notice of Exemption based upon Millbury's consultant's report.

By letter dated December 31, 2002, received by the Board on January 2, 2003 I had requested an extension of time to reply to these motions to January 17, 2003, essentially seeking to consolidate these motions and to move the date for both to the date the Millbury Motion would have been returnable. That request was granted on January 3. However, in addition to the confusion now injected into this matter by Mr. Raymond's instant letter, on January 7, 2003 I received a new submission from the Blackstone River Valley National Heritage Corridor Commission.

LB Railco is reviewing each submission in an attempt to assure the participants that it will deal effectively with any legitimate local concern as well as with the requirements of local health and safety laws and regulations. Also, it would like the opportunity to respond effectively to all comments and motions in one unified reply. Therefore, I would like to ask for an additional two week extension of LB Railco's time to respond to all the pending motions, or to January 31, 2003. I would also like a directive that LB Railco's reply will respond to any further submissions received by the Board and by this office by January 24 and that no submissions served or received by the Board after that date need be responded to nor will they be considered by the Board. As the stay is still in effect maintaining the status quo, this delay will not prejudice any of the objecting parties.

Thank you for your attention to this matter.

Very truly yours,

John F. McHugh

CERTIFICATION

On this 13 th day of January, 2003 I served a copy of this application for an extension of time on:

Stephen M. Richmond, Esq.
Bowdich & Dewey, LLP
161 Worcester Rd.
Framingham, MA 01701-9320

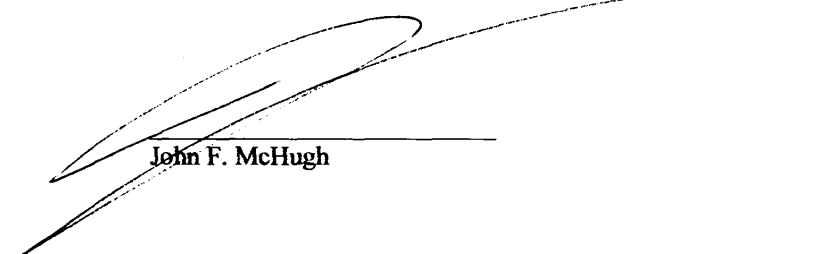
Michael Creasey
Blackstone River Valley National Heritage Corridor Commission
One Depot Square
Woonsocket, RI 02895

Mary Jude Pigsley

Senior Regional Counsel
Massachusetts Department of Environmental Protection
627 main Street
Worcester, MA 01608

John J. Goldrosen, Esq.
Kopelman & Paige, P.C.
31 St. James Ave.
Boston, MA 02116

By regular United States Mail.



John F. McHugh