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July 18, 2003

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

Re: Docket No. AB-55 (Sub-No. 361X), *CSX Transportation, Inc. – Abandonment Exemption – in Summit County, Ohio*

Dear Sir:

I am enclosing an original and ten (10) copies of the Notice to Commence Discovery on the Petition to Revoke CSX's Notice of Exemption from Abandonment Procedures Based Upon False and/or Misleading Information for filing in the above-referenced proceeding. An additional copy is enclosed for date stamp and return to our office. I have enclosed a self-addressed, stamped envelope for your convenience.

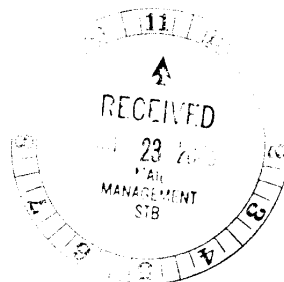
If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

Frank J. Reed, Jr.

FJR:alb

Enclosures

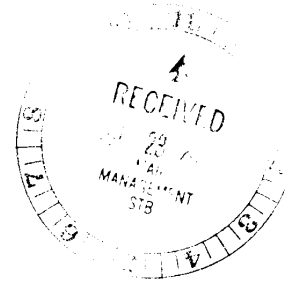


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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-55 (Sub No. 631X)

**CSX TRANSPORTATION, INC. –
ABANDONMENT EXEMPTION –
IN SUMMIT COUNTY, OHIO**



NOTICE TO COMMENCE DISCOVERY

ON

**APPLICANT'S PETITION TO REVOKE
CSX'S NOTICE OF EXEMPTION
FROM ABANDONMENT PROCEDURES
BASED UPON FALSE AND/OR
MISLEADING INFORMATION**

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Counsel for Petitioner Terminal Warehouse, Inc.

Dated: July 18, 2003

Now comes Terminal Warehouse, Inc. ("Terminal Warehouse"), by and through the undersigned counsel, and submits this Notice to conduct Discovery pursuant to 49 CFR 1116 regarding its petition to immediately revoke the Notice of Exemption filed with this Board on July 8, 2003.

Terminal Warehouse, Inc. did not file this Notice on the same day that it filed its Petition to Revoke. However, CSX has not yet filed a response, and allowing discovery will not prejudice CSX in any way. In fact, allowing discovery will only aid the parties in the free exchange of information, and may help resolve this matter.

Petitions to revoke an exemption or the notice of exemption, like Terminal Warehouse's petition, may be filed at any time. 49 CFR 1121.4(f). The person seeking revocation has the burden of showing that the revocation criteria of 49 USC 10502(d) have been met. 49 CFR 1121.4(f).

On March 25, 2003, CSX Transportation, Inc. ("CSX") filed a Notice of Exemption and proposed to abandon the single remaining rail line which provides rail access to Terminal Warehouse and other shippers located in Akron, Summit County, Ohio. For the reasons stated in its petition to revoke the Notice of Exemption filed July 8, 2003, Terminal Warehouse submits that CSX's Notice of Exemption contained false and/or misleading information and otherwise failed to disclose critical facts to this Board. On this basis, and pursuant to 49 CFR 1152.50(d)(3), Petitioner submits that the notice of exemption should be summarily rejected by the Board on the basis that said notice was void *ab initio*. Moreover, under 49 U.S.C. 10502(d), Petitioner requests that the Board find that the continued existence of this line is necessary to carry out the rail transportation policy set forth in 49 U.S. 10101.

For all these reasons, Petitioner requests that the Board permit discovery in this case.

Respectfully submitted,



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Counsel for Petitioner Terminal Warehouse, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by ordinary
U.S. mail, postage prepaid, this 16th day of July, 2003, upon the following:

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