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Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: Petition for a Declaratory Order by Hi-Tech Trans, LLC
Finance Docket No. FD34192

Dear Secretary Williams:

I am in receipt of Mr. Fletcher's letter of July 31, 2003, in which he requests an "immediate decision by the Board" in order to "avoid the possibility of inconsistent decisions." It is unclear what Board rule Mr. Fletcher's request is made under (Hi Tech appears to have as little regard for the Board's rules as it does for New Jersey's environmental laws), but Hi Tech's professed concern about "inconsistent decisions" comes a little late in the day. Having itself raised this preemption argument in two suits Hi Tech filed in Federal Court, both of which are still pending, (one in the District of New Jersey, one in the United States Court of Appeals for the Third Circuit), and in connection with a State administrative proceeding, Hi Tech's attempt to pressure the Board to interject itself into those ongoing legal proceedings should meet with an unsympathetic response. Respondents Essex County Utilities Authority and Hudson County Improvement Authority, therefore, join in the New Jersey Department of Environmental Protection's request that Hi Tech's latest filing should be stricken from the record.

The surest way to avoid inconsistent decisions is for the Board to dismiss Hi

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August 6, 2003

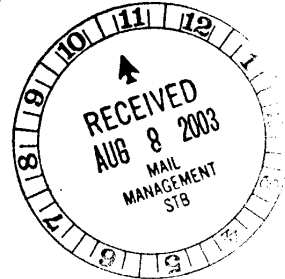
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Tech's petition, and allow the other pending proceedings to run their normal course. In the event Hi Tech is dissatisfied with the results of those proceedings, there are ample legal remedies available to Hi Tech to seek a review of those decisions. Respondents respectfully submit that the Board should see Hi Tech's petition for what it is – an unwarranted attempt to draw the Board into legal proceedings that are not going as well for Hi Tech as it had hoped – and should accordingly dismiss it.

We have enclosed an original and 11 copies of this letter and request that the extra copy be date-stamped and returned so that our files may properly reflect the filing. Thank you.

Respectfully yours,

DeCotiis, FitzPatrick, Cole & Wisler, LLP
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Enclosures

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