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December 15, 2003

By UPS overnight mail

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Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Finance Docket No. 34425, *City of Lincoln - Petition for Declaratory Order*

Dear Mr. Williams:

This refers to the City of Lincoln's Motion for an Order Permitting Entry and for an Order Requiring Production, filed on December 15, 2003.

In behalf of Lincoln Lumber Company (LLC), this is to advise the Board and the City that LLC hereby withdraws its objection to the City's entry onto LLC's property between 22nd and 24th Streets. Consequently, there should be no occasion for the Board to rule on the City's Motion for Entry. However, LLC needs at least the next three days to get its work done on that property (e.g., clearing stacked lumber and building materials). The City can enter onto the LLC property beginning at 9:00 a.m. on Friday, December 19. LLC continues to believe that such entry for the purpose of rebuttal is premature prior to the filing of LLC's evidence and argument on December 29. However, LLC does not believe that the matter is significant enough to involve the Board in a controversy.

The City's Motion for an Order Requiring Production of Documents should be denied. LLC intends to respond in good faith to the City's document request by the December 30 due date. The City's suggestion that LLC will not do so is professionally insulting. The City's misuse of a motion to compel discovery prior to the compliance date needlessly occupies the Board's attention.

Ten copies of this response accompany the original. Counsel for the City is being served by overnight mail. Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Lincoln Lumber Company