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18 December 2003

Memo to Secretary, STB

Re: City of Lincoln, Petition for a Declaratory Order,
F.D. 34425

From: Chas. Montange, for City of Lincoln

Enclosed for filing please find the original and ten copies
of a Reply to Arkansas Oklahoma Railroad's Motion to Reconsider
Procedural Schedule, served December 9, 2003.

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Office of Proceedings
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Part of
Public Record

Encls.

cc. Counsel per cert. of serv. (w/encl.)

BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket 34425

CITY OF LINCOLN

PETITION FOR A DECLARATORY ORDER

CITY OF LINCOLN'S
REPLY TO MOTION TO RECONSIDER PROCEDURAL SCHEDULE

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In a pleading entitled "Notice of Intent to Participate and Motion to Reconsider Procedural Schedule" and served December 9, 2003, Mr. Daniel LaKemper on behalf of Arkansas-Oklahoma Railroad ("AOK") claims that the procedural schedule in this proceeding is "unrealistic," and seeks an extension. City of Lincoln opposes AOK's motion.

The gravamen of AOK's argument for an extension is that, according to AOK, "most companies" are focussed on seasonal partying (evidently during the entirety of the last half of December and first half of January), so that it is inconvenient for them to participate during this one month period in proceedings before this Board. AOK pleading at p. 3, ¶5.

So far as the City of Lincoln knows or AOK's pleading reveals, AOK has no knowledge concerning any of the following: the City of Lincoln, the rail corridor involved in this proceeding, the uses of the rail corridor in this proceeding, City of Lincoln's proposed projects, or anything else relevant to the facts of this proceeding. Indeed, it appears that AOK

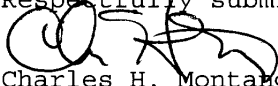
has no operations or business of any sort in the City of Lincoln, nor does it represent any constituency with operations, trade or business in Lincoln, or for that matter the State of Nebraska. Judging from its pleading, AOK is nothing more than an officious intermeddler which wishes to debate legal or policy issues which City of Lincoln does not believe are either at issue or relevant, or to the extent at issue and relevant, open to debate. AOK's counsel gives no reason why he and AOK cannot focus sufficiently prior to Christmas for purposes of preparing whatever legal or polemical statement his clients wish well before Christmas, and thus free himself and AOK (or any others he represents) to enjoy whatever seasonal festivities he and they have planned. In short, neither he nor AOK offers any grounds for revisiting the procedural schedule.

City of Lincoln concurs with AOK in its statement (last sentence of ¶6 of p.3 of AOK motion) that AOK has no knowledge about trail funding. City of Lincoln, as explained in verified statements, faces financial losses and penalties on both its storm sewer and trail projects if it is unable to move forward with acquisition of requisite property interests by the last half of March, 2004.

City of Lincoln reserves the right to respond to the other mis-conjectures and mis-statements in AOK's pleading, as well as similar misconceptions in a pleading filed by Mr. LaKemper for his other client, Pioneer Railcorp, when and if they actually participate in this proceeding by filing Replies to City of

Lincoln's Petition in accordance with this Board's procedural schedule. City of Lincoln also reserves the right to contest their standing, should they participate further in this proceeding. In the meantime, AOK's motion should be denied.

Respectfully submitted,


Charles H. Montange
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for City of Lincoln

Certificate of Service

I hereby certify service of the foregoing by U.S. Mail, postage pre-paid, first class, upon Thomas McFarland, Esq. (counsel for Lincoln Lumber Company), 208 South LaSalle St., Suite 1890, Chicago, IL 60604-1112, and upon Daniel A. LaKemper, Esq., LaKemper Law Office, P.O. Box 185, Morton, IL 61550, this 12th day of December, 2003.

