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OMAHA
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January 9, 2004

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VIA OVERNIGHT DELIVERY

Mr. Vernon Williams
Secretary
Surface Transportation Board
1925 "K" Street, N.W.
Room 700
Washington, DC 20423

RE: AB 600, Yakima Interurban Lines – Adverse Abandonment in Yakima County, WA

Dear Mr. Williams:

Enclosed for filing please find an original and ten copies of our Opposition to Petition for Waiver of Pre-Filing Requirements in the above-referenced matter. If you have any questions, please do not hesitate to give me a call.

Very truly yours,

Heidi L. Evatt
FOR THE FIRM

HLE/dmg
Enclosures

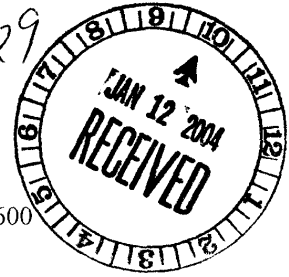
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Public Record
SURFACE TRANSPORTATION BOARD
U.S. DEPARTMENT OF TRANSPORTATION

209829



In the Matter of	)	AB DOCKET NO. 600
	)	
YAKIMA INTERURBAN LINES	)	OPPOSITION TO
ASSOCIATION - ADVERSE	)	PETITION FOR WAIVER
ABANDONMENT IN YAKIMA	)	OF PRE-FILING REQUIREMENTS
COUNTY, WASHINGTON	)	
	)	

COMES NOW Level 3 Communications, L.L.C. ("Level 3"), by and through its counsel of record, and submits this Opposition to the Petition for Waiver of Pre-filing Requirements for Adverse Abandonment Application, filed by Kershaw Sunnyside Ranches, Inc. ("Kershaw") on December 23, 2003.

Level 3 owns fiber optic cable that is buried within the railroad right-of-way known as the Naches Line, a portion of which Kershaw seeks to have abandoned. Level 3 is defending a lawsuit filed by Kershaw over three years ago to determine its property interest in the Naches Line right-of-way. Currently, certain rulings made by the trial court in that lawsuit are being considered by the Washington Court of Appeals. As a result, Level 3 has an interest in the fate of the Naches Line.

The purpose of this filing is to declare Level 3's concurrence with the December 26, 2003 letter of Mr. Charles Montange, filed on behalf of Yakima County. Level 3 concurs with Yakima County's opposition to Kershaw's Petition for Waiver of Pre-filing Requirements for Adverse Abandonment Application.

Level 3 adds that although Kershaw's Petition for Waiver states that "Potential parties with legitimate interests will be informed about Kershaw's proposal," Level 3 was not so informed by Kershaw, but learned of the existence of this proceeding second-hand.

Level 3 also adds that in the above referenced litigation, the trial court ruled as a matter of law that the Naches Line has not been abandoned. Although the case is now on appeal, Kershaw has not appealed the trial court's finding that the Naches Line has not been abandoned as a matter of law.

In addition, Kershaw's Petition for Waiver states that the Naches Line right-of-way is an easement for railroad purposes only. This is one of the main questions in the above referenced litigation, and is currently on appeal to the Washington Court of Appeals.

Level 3 hereby declares its concurrence with the letter filed by Charles Montange on behalf of Yakima County opposing the Kershaw Petition for Waiver of Pre-filing Requirements for Adverse Abandonment. Level 3 also opposes the Application for Abandonment and intends to file a protest to said Application.

Dated this 9th day of January, 2004.

LEVEL 3 COMMUNICATIONS, L.L.C.

BY:



Mark C. Laughlin

Heidi L. Evatt

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Attorneys for Level 3 Communications, L.L.C.

CERTIFICATE OF SERVICE

9 . I hereby certify service of the foregoing by U.S. Mail, postage pre-paid, first class on January 9, 2004, upon the following counsel:

1. Sarah Wixson
Veikanje, Moore & Shore
P.O. Box 22550
Yakima, WA 98907 (for Kershaw)
2. Jeanne A. Cushman
Office of the Attorney General
Transportation and Public Construction Div.
905 Plum Street, Bldg. 3
P.O. Box 40113
Olympia, WA 98504-0113 (for Wash. DOT)
3. Charles H. Montange
Attorney at Law
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