



**BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY**

**IRON HORSE PARK
NO. BILLERICA, MASS. 01862**

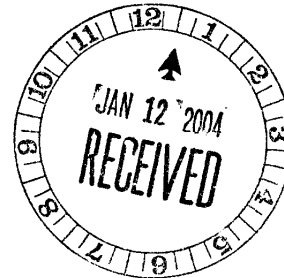
**LAW DEPARTMENT
(978) 663-1029**

January 9, 2004

By Federal Express

Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W. Room 700
Washington, D.C. 20423

209 838



**Re: Docket No. NOR 42083—Granite State Concrete Co., Inc. and
Milford-Bennington Railroad Co., Inc. v. Boston and Maine Corp.
and Springfield Terminal Railway Co.**

Dear Secretary Williams:

As referenced in Mr. Hirschhorn's letter accompanying yesterday's filing of the opening statement of respondent's Boston and Maine Corporation and Springfield Terminal Railway Company (collectively "Guilford"), enclosed please find an original verification to accompany the Verified Statement of Andrew Zompa.

In addition, after reviewing the date-stamped copy of Guilford's opening statement, it appears that a document was inadvertently omitted from this filing, which has affected the sequence of the Exhibits. Apparently, the deposition transcript of Thomas Garrity—identified as Exhibit L in the opening statement—was not included in the filing. As a result, the sequence of Exhibits is incorrect, as the deposition transcript of Calvin R. Preston is identified as Exhibit L in the filing—and in reality should be Exhibit M—while no Exhibit M is included. To rectify this omission, I am included a copy of Mr. Garrity's deposition transcript, and have spoken with Mr. Howard to clarify this inadvertent omission.

Thank you for your attention to this matter. Please feel free to contact me if you should have any questions or comments.

Sincerely,


Robert B. Calliford
Corporate Counsel

**ENTERED
Office of Proceedings**

JAN 12 2004

**Part of
Public Record**

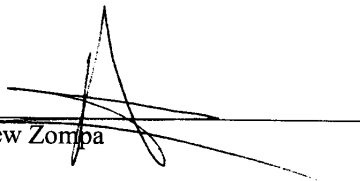
cc: James E. Howard, Esq.

VERIFICATION

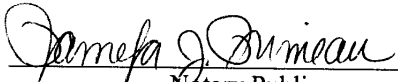
Commonwealth of Massachusetts)
) ss.:
County of Middlesex)

Andrew Zompa, being duly sworn, deposes and says that he has read the foregoing statement, and that to the best of his knowledge, the facts asserted there are true and the same are true as stated.

Signed


Andrew Zompa

Subscribed and sworn to before me this 7th
day of January 2004.


Notary Public

My commission expires March 12, 2010



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BEFORE THE
SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 34381

GRANITE STATE CONCRETE COMPANY, INC., and
MILFORD BENNINGTON RAILROAD COMPANY, INC.

vs.

BOSTON AND MAINE CORPORATION and
SPRINGFIELD TERMINAL RAILWAY COMPANY

DEPOSITION OF THOMAS GARRITY, taken
pursuant to Notice on behalf of Granite State
Concrete Company, Inc., and Milford Bennington
Railroad Company, Inc., before Simonne J. Elwood,
R.P.R. and a Notary Public in and for the
Commonwealth of Massachusetts, at the office of
Guilford Rail System, Iron Horse Park, North
Billerica, Massachusetts, commencing on Friday,
October 31, 2003 at 3:45 p.m.

NEAL A. SALLOWAY - COURT REPORTERS
FIVE CARDIGAN ROAD
WEST PEABODY, MA 01960
781-581-3993 - 978-535-0313 - FAX 978-536-3142

1 when Milford-Bennington provided materials
2 for you to use on the Guilford line?

3 A Not to my knowledge.

4 Q Okay. When you say not to your knowledge,
5 have you heard from other people that
6 Milford-Bennington has provided materials?

7 A I have not. As far as I know, you know, the
8 materials we have always supplied on our own
9 jobs.

10 Q Okay. Are you aware of any instances when
11 Milford-Bennington personnel have been on the
12 Guilford line doing any kind of maintenance
13 work?

14 A I don't know of any such occasion.

15 Q Never saw anything?

16 A No.

17 Q Never heard from anybody else that they were
18 out there?

19 A No. Any time I've been up there for
20 maintenance, I've been up there doing the
21 work with, you know, the people I work with.
22 I haven't been up there and witnessing them
23 doing any other work.