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THOMAS F. MCFARLAND

January 22, 2004

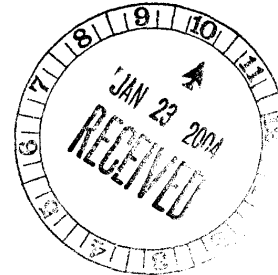
By UPS overnight mail

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

ENTERED
Office of Proceedings

JAN 23 2004

Part of
Public Record



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

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Motion for Leave to File Limited Surrebuttal Statement, for filing with the Board in the above referenced matter.

Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

Very truly yours,

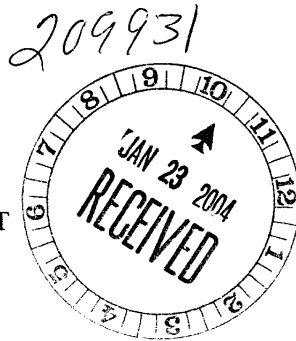
Tom McFarland

Thomas F. McFarland
Attorney for Lincoln Lumber Company

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BEFORE THE
SURFACE TRANSPORTATION BOARD

CITY OF LINCOLN -- PETITION FOR) FINANCE DOCKET
DECLARATORY ORDER) NO. 34425



MOTION FOR LEAVE TO FILE
LIMITED SURREBUTTAL STATEMENT

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LINCOLN LUMBER COMPANY
P.O. Box 30373
Station A
Lincoln, NE 68503

Protestant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Protestant

Date Filed: January 23, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

CITY OF LINCOLN -- PETITION FOR) FINANCE DOCKET
DECLARATORY ORDER) NO. 34425

**MOTION FOR LEAVE TO FILE
LIMITED SURREBUTTAL STATEMENT**

Pursuant to 49 C.F.R. § 1117.1, Lincoln Lumber Company (LLC) hereby respectfully moves for leave to file a Surrebuttal Statement, which is tendered with this Motion. The Surrebuttal Statement is directed solely to the statement of the City of Lincoln (the City) in its Rebuttal Statement that it would accept a condition to approval of its Petition that would require that the trail be located in the northern-most 20 feet of the railroad right-of-way. That statement was made for the first time in the City's Rebuttal Statement. LLC has not previously had an opportunity to reply to the position expressed in that statement. It is appropriate that LLC's Surrebuttal Statement be accepted for the limited purpose of reply to the City's new position stated for the first time in its Rebuttal Statement. Wherefore, LLC's Surrebuttal Statement should be accepted for filing.

Respectfully submitted,

LINCOLN LUMBER COMPANY
P.O. Box 30373
Station A
Lincoln, NE 68503

Protestant

Thomas F. McFarland

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208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Protestant

Date Filed: January 23, 2004

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2004, I served the foregoing document, Motion For Leave To File Limited Surrebuttal Statement, on Charles H. Montange, 426 NW 162nd Street, Seattle, WA 98177, and Daniel A. LaKemper, Pioneer Railcorp, 1318 S. Johanson Rd., Peoria, IL 61607, by UPS overnight mail.

Thomas F. McFarland

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