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26 January 2004

Hon. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

209968

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

Dear Mr. Williams:

On 23 January 2004, Lincoln Lumber Company filed a motion for leave to file a "surrebuttal" and has tendered a proposed "surrebuttal" in this proceeding. Under the applicable scheduling order, Lincoln Lumber and all parties were entitled to file Replies on or before December 29, 2003, to City of Lincoln's Petition for a Declaratory Order. The applicable order provided for a Rebuttal by the City of Lincoln for filing January 8, 2004. This Board's rules otherwise do not provide for further replies, and in fact otherwise provide that replies to replies are not permitted. City of Lincoln expects to file an opposition to the motion to file a surrebuttal, demonstrating that no cause is shown to grant leave for such a filing. Under this Board's Rules, City's opposition would be due twenty days from January 23, 2004, or by our calculation, on February 12, 2004. Because City of Lincoln seeks an expeditious decision in this proceeding, we shall endeavor to file our opposition on or about Monday, February 2, 2004.

Very truly,

Charles H. Montange
for City of Lincoln

Encls.
cc. Counsel for LLC (by fax and post)
Counsel for A-O (post)

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MANAGEMENT
SR