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August 10, 2004
VIA: electronic filing

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

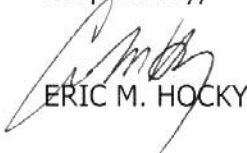
Re: STB Docket No. AB-400 (Sub-No. 4)
Petition of Lee County, Florida for Waiver
Regarding Seminole Gulf Railway, L.P. Adverse
Abandonment in Lee County, Florida

Dear Secretary Williams:

Pursuant to a decision served July 30, 2004, the Board extended the due date for protests until August 9, 2004.

In accordance with the decision, we attempted to file Seminole Gulf's protest and Appendix A (Public Version), Appendix B and Appendix C. To facilitate the filing, the filing was made in two parts. These were sent approximately 4:40 p.m. By 4:55 p.m., we had only received one e-mail receipt, and accordingly re-sent the protest and Appendix A. However, according to the e-mail receipt, it was not received by the Board electronically until after 5:00 p.m., and will not be processed until today. Under the circumstances set forth, Seminole Gulf requests that the Board consider all parts of the protest as timely filed.

Respectfully,



ERIC M. HOCKY

cc: Robert P. vom Eigen (by email)
Peter Shudtz (by email)
Keith Borman (by email)