

BOYLE & MILLER Attorneys at Law

A PROFESSIONAL ASSOCIATION

GBU Building
4232 Brownsville Road, Suite 348
Pittsburgh, PA 15227-3330
rgb@attybobb.com
Phone: (412) 884-0770
Fax: (412) 884-3550

211959

ROBERT G. BOYLE, ESQ.
FREDERICK A. MILLER, ESQ.

Downtown office
LL 500 Ft. Pitt Commons Building
(by appointment only)

ENTERED
Office of Proceedings

September 8, 2004

SEP 09 2004

Part of
Public Record

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



Re: STB Finance Docket No. 34462; MVC Transportation, LLC
-Acquisition Exemption – P&LE Properties, Inc.

Dear Secretary Williams:

On July 27, 2004, MVC Transportation, LLC ("MVC") filed a Reply to the Petition of Proline Railroad Track Company to revoke its exemption in the above captioned docket. On August 13, 2004, MVC filed a Supplemental Verified Statement by Mr. James Frank in support of its Reply. On August 26, 2004 MVC advised the Board of CSX Transportation Inc.'s intent to file a letter regarding rail operations at McKees Rocks Yard.

On September 1, 2004, Proline Track Company filed a letter in which it attempts to reargue and assert further justification for its petition to revoke the MVC exemption. As the Board is well aware, under 49 C.F.R. §1104.13(c) a reply to a reply is not permitted under the Board's rules of practice. MVC therefore respectfully requests that the September 2, 2004 filing by Proline Railroad Track Company be disregarded by the Board.

Sincerely yours,

Robert G. Boyle
Attorney for MVC Transportation, LLC

RRW/bab

xc: All parties of record