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December 2, 2005

ENTERED  
Office of Proceedings

DEC 02 2005

Part of  
Public Record



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

Re: Finance Docket No. 34606, *Notice of Forty Plus Foundation of Intent to File Feeder Line Railroad Development Application*

Dear Sir:

We represent the City of New York, NY and the New York City Economic Development Corporation (collectively, "the City"). We have received the Notice of Intent filed by the Forty Plus Foundation in this proceeding on November 21, 2005. Because this document does not purport to be an application pursuant to 49 C.F.R. Part 1151 and does not include even the most basic information required by those regulations, including information that would permit the Board to make a threshold finding that the applicant is a "financially responsible person" (49 CFR §1151.3(a)(3)), the City does not plan to reply to the Notice of Intent. The City of New York reserves the right to reply in the event that an application is filed.

I am enclosing an extra copy of this letter, which I ask that you have date-stamped and returned to our messenger.

Sincerely,

Charles A. Spitulnik

cc: All Parties of Record

## CERTIFICATE OF SERVICE

I hereby certify that on this 2<sup>nd</sup> day of December, 2005, I served a copy of the foregoing letter to the Surface Transportation Board by first class mail, postage prepaid, on:

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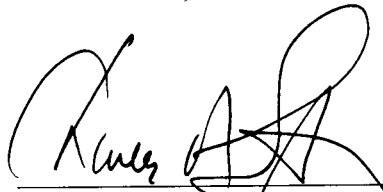
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Charles A. Spitalnik