

Daniel R. Deutsch
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215-386

December 16, 2005

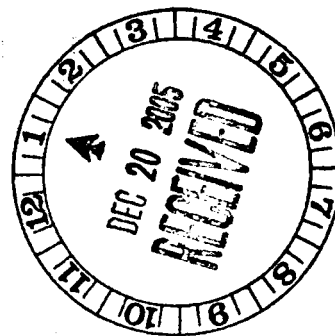
VIA FEDERAL EXPRESS

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

ENTERED
Office of Proceedings

DEC 20 2005

Part of
Public Record



RE: STB Finance Docket Number: 34797

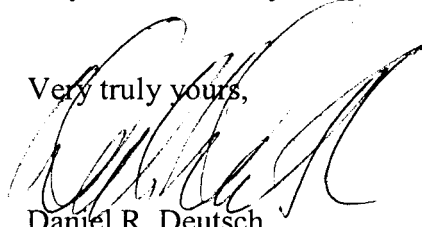
Dear Secretary Williams:

On behalf of the Town of Wilmington, enclosed please find the *original* and ten (10) copies of the following document: *Motion of Town of Wilmington to Extend Time to Respond to New England Transrail, LLC's Petition for Exemption from 49 U.S.C. § 10901.*

Also enclosed please find a disk containing the above-named document.

Please do not hesitate to contact me with any questions you may have. Thank you for giving this matter your careful attention.

Very truly yours,


Daniel R. Deutsch

DRD:lsc
Enclosures

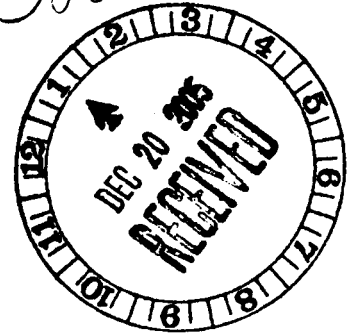
cc: J. Patrick Berry, Esq.
Hon. James R. Miceli
Susan Ruch, Esq.
Stephen M. Richmond, Esq.
Town of Wilmington
Attn: Michael A. Caira, Town Manager
Paul R. DeRensis, Esq.

215386

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34797

**MOTION OF TOWN OF WILMINGTON ("WILMINGTON")
TO EXTEND TIME TO RESPOND TO NEW ENGLAND TRANSRAIL, LLC.'S
PETITION FOR EXEMPTION
FROM 49 U.S.C. § 10901**



Pursuant to 49 CFR § 1104.7, the Town of Wilmington ("Wilmington") requests that the Surface Transportation Board (the "Board") enter a Scheduling Order extending by thirty (30) days, up to and including January 27, 2006, the time in which Wilmington may file a response to New England Transrail, LLC ("NET")'s Petition for Exemption from 49 U.S.C. § 10901, which was filed on December 5, 2005. This request is made consistent with the Board's discretion in these matters pursuant to 49 CFR § 1104.7(b).

In support of this motion, Wilmington states that the requested extension is necessary in order to permit Wilmington, its constituent boards, its consulting engineer GeoInsight, Inc. which has participated throughout the proceedings related to NET's proposed project, and counsel adequate time to review and respond to NET's Petition. As the calendar year comes to a close, Wilmington board members are heavily involved in budgeting and other seasonal activities. Undersigned counsel is engaged in pre-trial discovery and preparation for a jury trial. Likewise, many of those whose input is critical to Wilmington's preparation of a response to the Petition have previously scheduled year-end family and holiday commitments. All of this makes the requested extension necessary to insure that the Board receives a coherent and informative response to a Petition that has significant local and national implications.

This Board dismissed NET's prior filing in May 2005. NET therefore has had seven months to consider its options, review its extensive previous filings, prepare further documentation and consult internally and with various agencies. The extension sought herein is modest by comparison.

Undersigned counsel contacted NET's attorney to request an extension. NET indicated that a ten-day extension may be forthcoming but even then did not commit to it. Under the circumstances, 10 days is not adequate. NET did not consult with Wilmington prior to filing its Petition.

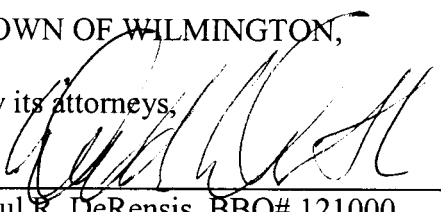
Granting Wilmington the requested extension of time would serve the interests of the Board and all interested parties in a meaningful review of NET's Petition.

WHEREFORE, the Town of Wilmington respectfully requests that the Surface Transportation Board enter a Scheduling Order extending the date by which Wilmington may respond to NET's Petition up to and including January 27, 2006.

Respectfully submitted,

TOWN OF WILMINGTON,

By its attorneys,



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Daniel R. Deutsch, BBO # 551744
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Date: December 15, 2005

CERTIFICATE OF SERVICE

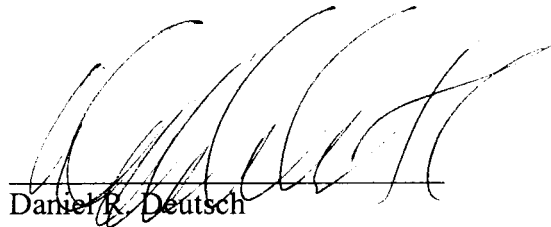
I hereby certify that a true copy of the above document was served upon the following by first class mail on this date:

J. Patrick Berry, Esq.
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Hon. James R. Miceli
Chairman, Massachusetts House of
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Daniel R. Deutsch

Date: December 16, 2005