

WESTERN CAROLINA RAILWAY SERVICE

C O R P O R A T I O N

Post Office Box 16614, Greenville, South Carolina 29606 - 7614

March 2, 2006

ORIGINAL

By Electronic Filing

Mr. Vernon A. Williams,
Secretary
Surface Transportation Board
1925 K Street, NW, Suite 700
Washington, DC 20423-0001

Re: STB Docket No. AB-490-1-X
Greenville County Economic Development Corporation
Petition for Exemption for Partial Discontinuance and Partial Abandonment
In Greenville County, SC

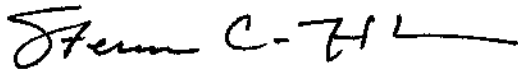
Secretary Williams:

Please find attached for filing in STB Docket No. AB-490-1-X, *Greenville County Economic Development Corporation Petition for Exemption for Partial Discontinuance and Partial Abandonment in Greenville County, SC*, Western Carolina Railway Service Corporation's Motion to Strike Portions of Greenville County Economic Development Corporation's Reply and Evidence in Opposition to Western Carolina Railway Service Corporation's Request to Set Terms and Conditions.

Should you have any questions or concerns regarding this filing, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerest regards,



Steven C. Hawkins,
President

Attachment

**BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-490-1-X

**GREENVILLE COUNTY ECONOMIC DEVELOPMENT CORPORATION
PETITION FOR EXEMPTION
FOR PARTIAL DISCONTINUANCE AND PARTIAL ABANDONMENT
IN GREENVILLE COUNTY, SC**

**MOTION TO STRIKE PORTIONS OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION'S REPLY AND EVIDENCE IN OPPOSITION TO WESTERN CAROLINA
RAILWAY SERVICE CORPORATION'S REQUEST TO SET TERMS AND CONDITIONS**

Steven C. Hawkins,
President
Western Carolina Railway Service Corporation
Post Office Box 16614
Greenville, SC 29606-7614

Office 864 • 895 • 3757
Fax 864 • 895 • 3769

steven.hawkins@wcrscorp.com

March 2, 2006

ORIGINAL

BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB DOCKET NO. AB-490-1-X

GREENVILLE COUNTY ECONOMIC DEVELOPMENT CORPORATION
PETITION FOR EXEMPTION
FOR PARTIAL DISCONTINUANCE AND PARTIAL ABANDONMENT
IN GREENVILLE COUNTY, SC

**MOTION TO STRIKE PORTIONS OF GREENVILLE COUNTY ECONOMIC DEVELOPMENT
CORPORATION'S REPLY AND EVIDENCE IN OPPOSITION TO WESTERN CAROLINA
RAILWAY SERVICE CORPORATION'S REQUEST TO SET TERMS AND CONDITIONS**

Pursuant to 49 CFR 1117.1, Western Carolina Railway Service Corporation ("WCRS") hereby moves to strike certain arguments in Greenville County Economic Development Corporation's ("GCEDC") Reply ("Reply") filed with the Board on February 21, 2006.

WCRS moves that the Board issue an order striking the following contradictory, erroneous, unsubstantiated and misleading information contained in the Reply on the basis explained following each item listed:

1. Exhibit 1 – Verified Statement of Gerald W. Fauth, III

- a. Includes three trestles totaling 170 feet at MP 0.86, MP 4.09, and MP 11.45 that do not exist. (*Table 3, Fauth, pp. 8*)
- b. Excludes one previously documented trestle totaling 420 feet at MP 1.74. (*Exhibit B, Slide 14, WCRS Request for Establishment of Terms and Conditions filed February 14, 2006*) and (*Exhibit 9, Pettry, pp. 3, GCEDC Petition For Exemption For Partial Discontinuance and Partial Abandonment in Greenville County, SC filed June 24, 2005*) and (*Exhibit 10, Hoff, pp. 2, GCEDC Reply to Complainant's Opening Statement in STB Docket No. 42087 filed January 24, 2005*)

2. Exhibit 2 – Verified Statement of Charles E. McDonald, Jr., Esquire

GCEDC's interpretation that it holds fee simple title (*McDonald, pp. 3-7*) is inaccurate in that it spends no time discussing the nature of that deed of conveyance by which GCEDC was conveyed title to the line in 1999 (*McDonald, pp. 44-48*), nor does the exhibit include or mention GCEDC's own title insurance policy, which insures the line as "Easement" only (*Exhibit D, pp. 83-90, WCRS Offer of Financial Assistance filed October 3, 2005*).

3. Exhibit 3 – Real Estate Appraisal of Mark B. Ratchford, MAI, SRA

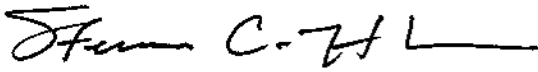
That appraisal which comprises Exhibit 3 is inaccurate in that it was calculated using an assumed fee simple interest interpretation which is contrary to that deed of conveyance (mentioned in Item 2, above) by which GCEDC was conveyed title to the line in 1999. Consequently, it should be stricken or, alternatively, properly evaluated by the Board to determine an accurate market value.

4. Exhibit 4 – Verified Statement of Andrew J. White, Jr., Esquire

Mr. White's verified statement (*White, pp. 1-7*) should be stricken because it goes to great length explaining GCEDC's alleged \$1.3 million total purchase cost for both the Northern Segment and the Southern Segment, as well as the alleged combined values, without separating those actual and real expenses it assigns to each segment. Because the Southern Segment is not the subject of the pending Offer of Financial Assistance ("OFA"), and because those costs are not deducted from the alleged total, it is not possible to arrive at any specific or beneficial value that was assigned to the Northern Segment or that would be applicable in this OFA.

WCRS urges the Board to strike the aforementioned items from the docket.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven C. Hawkins". The signature is fluid and cursive, with a long horizontal line extending from the end.

Steven C. Hawkins,
President
Western Carolina Railway Service Corporation
Post Office Box 16614
Greenville, SC 29606-7614

Office 864 • 895 • 3757
Fax 864 • 895 • 3769

steven.hawkins@wcrscorp.com

I hereby certify that on this 2nd day of March 2006, a copy of the foregoing document was served by:

United States First Class Mail, postage fully pre-paid, upon:

William A. Mullins,
Baker & Miller, PLLC
2401 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20037-1725

David C. Reeves,
Baker & Miller, PLLC
2401 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20037-1725

Catherine N. Hicks,
Cross Roads Sales
131 Pinsley Circle
Greenville, SC 29617-3045

Richard W. Hills, Jr.,
Bleachery Road Warehouse, LLC
210 Old Bleachery Road
Greenville, SC 29609-4135

Randolph R. Mathena,
Paper Cutters, Inc.
840 North Hwy 25 By Pass
Greenville, SC 29617-6246

Larry E. Seay,
IMP Incorporated
P.O. Box 578
Lyman, SC 29365-0578

Diana W. Gracely,
City of Travelers Rest
6711 State Park Road
Travelers Rest, SC 29690-1831

Brad Wyche,
Upstate Forever
P.O. Box 2308
Greenville, SC 29602-2308

Richard H. Streeter,
Barnes & Thornburg, LLP
750 17th Street, NW, Suite 900
Washington, DC 20006-4607

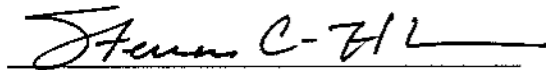
Honorable Harry F. Cato,
SC House of Representatives
P.O. Box 11867
Columbia, SC 29211-1867

Harlan R. Patton,
323 Watson Road
Travelers Rest, SC 29690-2222

Chantal A. Patton,
323 Watson Road
Travelers Rest, SC 29690-2222

And, as a courtesy, upon:

Andrew J. White, Jr.,
Haynsworth Sinkler Boyd, PA
One Liberty Place
75 Beattie Place, Suite 1100
Greenville, SC 29601-2119



Steven C. Hawkins,
President
Western Carolina Railway Service Corporation
Post Office Box 16614
Greenville, SC 29606-7614

Office 864 • 895 • 3757
Fax 864 • 895 • 3769

steven.hawkins@wcrscorp.com