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10 July 2006
by Federal Express of Proceedings

ENTERED

JUL 11 2006

Part of
Public Record

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

Re: PYCO Industries, Inc. -- Feeder Line Application
-- South Plains Switching, F.D. 34890:
Emergency Motion to Order SAW to Permit Entry on
24 July 2006 and Issue for Clarification

Immediate attention requested
Action by July 17

Dear Mr. Secretary:

In its decision issued July 3, 2006 in this proceeding, the Surface Transportation Board among other things (a) issued an expedited procedural schedule and (b) authorized PYCO Industries to take some discovery against incumbent rail provider South Plains Switching (SAW). The procedural schedule calls for PYCO's final brief by August 14, but provides for additional expedited briefing if necessary in light of discovery.

In order better to accommodate the procedural schedule set out in the July 3 order, and to minimize the need for additional discovery based briefing, PYCO on July 7 modified its instructions to SAW for purposes of discovery responses to provide that all responses would be due on July 24, and entry would commence on that date. The notice afforded 15 days advance notice to SAW (on top of the two months SAW already had because the discovery was tendered in early May). PYCO has arranged for a number of experts to enter the premises on July 24. In one important case, this is the only date in July and the first half of August that will work for the expert in question.

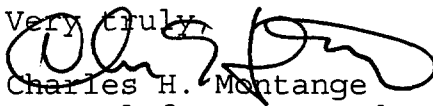
Unfortunately, but probably predictably given SAW's quest to delay and confuse proceedings to date, SAW on July 10 placed a letter on file with this Board opposing any discovery response until 15 business days after July 14 (i.e., until some time in August). SAW claims PYCO cannot alter its May discovery instructions. This view is without merit; discovery

instructions are frequently modified; SAW shows no prejudice in the circumstances; and PYCO in good faith seeks entry and other discovery on July 24 in order to meet, as best it can, this Board's schedule.

In light of SAW's opposition, we must request that this Board issue an order providing for entry and other discovery responses on July 24.

Because of air schedules of experts, we request action no later than Monday, July 17, 2006. It is especially vital to obtain entry on July 24.

Thank you for your assistance in this matter.

Very truly,

Charles H. Montange
counsel for PYCO Industries

Encls. (orig. and 10)

cc. counsel per certificate of service (w/encl.)

BEFORE THE
SURFACE TRANSPORTATION BOARD

PYCO INDUSTRIES, INC. --	)	
FEEDER LINE DEVELOPMENT --	)	F.D. 34890
SOUTH PLAINS SWITCHING LTD.	)	(revision of F.D. 34844)

EMERGENCY MOTION TO ORDER SAW TO PERMIT ENTRY
ON 24 JULY 2006
and
ISSUE FOR CLARIFICATION

PYCO Industries, Inc., hereby moves this Board to issue an order requiring South Plains Switching, Ltd., to provide its responses to all PYCO's tendered discovery, and at the very least to allow PYCO entry for purposes of inspecting the rail (for, inter alia, rehabilitation and net liquidation purposes) and surveying the land in question (to calculate land areas and determine boundaries), on July 24, 2006.

PYCO also wishes to clarify that its revised valuation estimates will not be required until seven (7) days following completion of entry, or receipt of SAW's written discovery responses, whichever occurs later.

Background

PYCO originally tendered its discovery requests to SAW on or about May 4, 2006, as Exhibit P to its original Feeder Line Application, in F.D. 34844. PYCO incorporated the discovery requests into its Revised Feeder Line Application (F.D. 34890). When PYCO originally provided its discovery, its instructions gave SAW 15 business days to respond to the interrogatories and document requests from the date the Board accepted the

application, and scheduled entry to commence the first Saturday after the lapse of 15 business days. PYCO calculated that this period (which exceeds the minimums specified in the Board's regulations¹) would be adequate for PYCO to make appropriate corrections to its FLA (or its revised FLA) under the time periods specified in 49 C.F.R. Part 1151 for filing of replies (80 days) and comments (60 days).

July 3 decision. By a decision late served on July 3, the Surface Transportation Board accepted PYCO's Revised Feeder Line Application, and specifically authorized PYCO's discovery.

In its decision accepting PYCO's Revised Feeder Line Application, the Board issued an expedited procedural schedule, requiring competing applications by July 18, SAW's reply and other shipper comments by August 2, and PYCO's final response by August 14. PYCO supports the expedited schedule, in the hope that it will result in an order allowing PYCO to acquire the relevant portions of SAW's lines so PYCO is assured of adequate rail service by October 23, 2006.

However, PYCO also determined that it must amend its instructions governing discovery responses so that SAW's discovery responses would be available to PYCO in time to incorporate into its pleadings as soon as possible. PYCO hopes to avoid duplicative rounds of briefing, which might drag out and confuse the proceeding, and certainly wishes to avoid

¹ 49 C.F.R. § 1114.26(a) (interrogatories answered as early as 15 calendar days from service). No minimum time period is provided for document responses or inspections.

additional rounds of briefing delaying submission past roughly August 28.

Moreover, PYCO estimates that at least two and probably three days of entry will be required to complete an inspection of the track for purposes of, among other things, rehabilitation estimates and calculation of land areas. PYCO wishes to complete the entry as soon as possible.

PYCO notice modifying instructions. PYCO accordingly on Friday, July 7, 2006, sent SAW's counsel a notice (by fax transmission and by Federal Express) altering the due date of discovery to provide that all discovery responses would be due, and entry would commence, on Monday, July 24, 2006, at 8 A.M. This date was exactly 15 days from the date of notice, thus affording SAW the required 15 calendar day notice provided under the discovery regulations for interrogatory responses. A copy of PYCO's notice is attached as Exhibit A.

PYCO has already arranged for various experts to fly to Lubbock on Sunday, July 23, to commence inspection promptly the following Monday, July 24, at 8 AM.

SAW's objection. By letter dated July 10, 2006, e-filed on that date, SAW claims that PYCO may not alter its instructions, and further asserts that the 15 business day period provided in PYCO's original instructions for SAW's response runs from July 14, 2006 -- the date STB provided its July 3 decision would be effective.

Under SAW's scenario, PYCO may not receive discovery

responses until Friday, August 4, at the earliest, and may not enter the premises until Saturday, August 5 or perhaps the following Saturday. This will necessarily result in delays in completion of briefing, perhaps lasting into September.

ARGUMENT

Nothing in STB regulations prevents a party from modifying instructions associated with its discovery requests so long as the modifications are in accordance with STB minimum requirements. PYCO's modified instructions carefully meet all STB minimum requirements. PYCO should not be penalized for trying to afford SAW more time because PYCO last May did not anticipate that an expedited schedule for filing of pleadings would be necessary.

Moreover, since SAW has had PYCO's discovery requests for over two months, the additional delay sought by SAW is wholly unreasonable. SAW's only claim of prejudice from responding on July 24 is that the railroad will file its case in chief on August 2. SAW claims that the August 2 filing will contain much of the information it believes responsive to PYCO's discovery. It basically seeks to postpone any response until after it files its case in chief, arguing that it will be less burdened.

Full response on July 24. A full discovery response on July 24 will not be burdensome to SAW. The discovery relates to documents and information in existence, not studies SAW may be preparing for its filing. SAW already has had two months to assemble the relevant documents. A response on July 24 may even

facilitate SAW's 2 August filing because it will ensure that the filing is more factually based than conjectural. In other words, SAW should have assembled the documents by July 24 anyway. It will not be unduly burdened by making those available in the circumstances. Moreover, the idea of undue burden must take into account the exigency of the circumstances. Here, an expedited schedule has been ordered, and the parties have to be prepared to make their discovery responses accordingly.

If SAW responds to PYCO's interrogatories and document requests on July 24, there may be no need for an additional round of briefing in this proceeding should PYCO use that material to adjust its valuation estimates (presumably on 31 July), or at least any additional briefing will be completed very quickly -- certainly in August.

At the very least, entry should be ordered on July 24. Moreover, there is no disruption or prejudice to SAW, nor does SAW claim any, if PYCO is at least permitted to enter the premises on July 24 pursuant to our notice of 7 July. PYCO has already made arrangements for the inspection on July 24 and will be prejudiced if unable to move forward on that date.

Requested relief. PYCO accordingly requests that this Board issue an order requiring SAW to respond to all PYCO's discovery on July 24, 2006, and at the very least, in the alternative allow entry into the premises on July 24 at 8 A.M.

Issue for clarification. PYCO also hereby raises a point

of clarification. In compliance with this Board's July 3 decision, PYCO intends to supply adjustments to its valuations seven (7) days after discovery response is made. However, discovery response in this proceeding involves both written responses (interrogatories and documents) and physical entry and inspection on the premises. Unlike interrogatory responses and document requests, entry on the premises for an inspection necessarily takes place over a period in excess of one day. Moreover, PYCO's ability to complete the entry promptly will depend to some degree on cooperation by SAW, which has steadfastly resisted cooperation to date. PYCO's experts indicate that they will require seven (7) days from completion of the inspection to prepare reports in the format required for filing in STB valuation proceedings. PYCO accordingly wishes to clarify that it understands the Board's order to allow PYCO to submit its revised valuation seven (7) days after the later of (a) completion of entry, or (b) receipt of SAW's interrogatory answers and document responses. If this is not consistent with the July 3 decision insofar as it bears on discovery responses, then PYCO requests that the relevant ordering paragraph (¶6) be modified to so provide.

PYCO continues to regard SAW's discovery response as very important. In local litigation in Lubbock, SAW claims that in June 2006 it sold a portion of its right of way encompassing PYCO's crossing between its seed stockpile and Plant No. 1 to

Larry Wisener, d/b/a Choo Choo Properties.² This transaction (and possible similar transactions) not only may impact value, but also certainly will require this Board to issue orders voiding the sale as part of its decision in this proceeding. PYCO needs SAW's discovery responses to get at the terms of this insider sale by SAW to Larry Wisener.

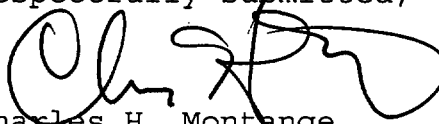
Moreover, SAW continues to refuse to permit any entry, and PYCO wishes to refine rehabilitation estimates and rail salvage estimates based on track inspection.

Conclusion

PYCO requests this Board to order SAW to respond to its discovery on July 24, 2006, and at the very least to order SAW to permit entry on the premises to begin on July 24, 2006, at 8 A.M. PYCO in turn clarifies that it will supply revised valuations seven days after receipt of interrogatory answers and document requests, or the completion of entry, whichever event is later. PYCO requests that the Board issue an order indicating this is acceptable, if the Board deems such an order necessary under ¶6 of the Board's July 3 decision in this proceeding.

² Mr. Wisener allegedly was removed as head of SAW by Mrs. Wisener when this Board ordered alternative rail service for PYCO in Finance Docket 34802. As documents in that docket indicate, Mr. Wisener threatened retaliatory actions against PYCO in November 2005. The sale is part and parcel of Mr. Wisener's implementation of retaliation against PYCO.

Respectfully submitted,



Charles H. Montange
for PYCO Industries, Inc.
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fax: -3739

Of counsel:

Gary McLaren, Esq.
Phillips & McLaren
3305 66th St., Suite 1A
Lubbock, TX 79413
(806) 788-0609
for PYCO Industries, Inc.

Certificate of Service

I hereby certify service of the foregoing Motion upon the following counsel of record by express service, next business day delivery, this 10th day of July 2006:

Thomas McFarland
208 South LaSalle Street, Suite 1890
Chicago, IL 60606-1112 (for SAW)

Michael Roper, Esq.
BNSF Law Dept.
2500 Lou Menk Drive, AOB 3d Floor
Fort Worth, TX 76102

William Sippel, Esq.
Fletcher & Sippel
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832 (for US Rail Partners)

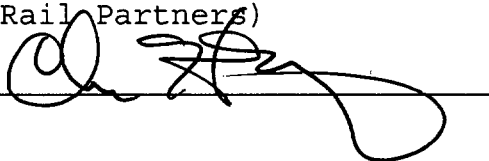


Exhibit A

Notice faxed and expressed to SAW
July 7, 2006

Fax Cover Page

To: Thomas McFarland, Esq.

From: Charles H. Montange
426 NW 162 St.
Seattle, WA 98177

(206) 546-1936
fax: 546-3739

Date: 7 July 2006

Message: Finance Docket 34890, discovery, PYCO to SAW

Attached page(s): 2 +13

The attached sheet(s) may contain privileged or work product information, and is/are intended only for the person to whom this cover sheet is directed. If the reader of this message is not the intended recipient, please do not read or disseminate the attachments. If you have received this material in error, please immediately notify me by telephone and return the original material by U.S. Mail. Thank you.

BEFORE THE SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

PYCO INDUSTRIES, INC. --)
FEEDER LINE DEVELOPMENT --) F.D. 34890
SOUTH PLAINS SWITCHING LTD.)

To: SOUTH PLAINS SWITCHING LTD

NOTICE

MODIFICATIONS TO DISCOVERY REQUESTS
IN LIGHT OF STB DECISION
SERVED 3 JULY

In light of the expedited procedural schedule set forth by Surface Transportation Board in its decision served 3 July 2006, PYCO Industries hereby modifies the instructions PYCO provided in its discovery requests served as Exhibit P to its Feeder Line Application in F.D. 34844 and incorporated into its Revised Feeder Line Application in F.D. 34890 as follows:

Document Requests and Interrogatories

Documents shall be produced on or before Monday, 24 July 2006. Interrogatory answers shall be served on or before Monday, 24 July 2006.

Entry

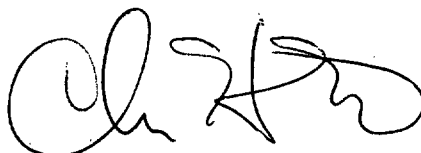
Entry shall commence on Monday, 24 July 2006, at 8:00 A.M.

All other instructions remain the same unless modified as provided above.

The discovery propounded by PYCO Industries to South Plains

Switching (Exhibit P to the Feeder Line Application filed in F.D. 34844) shall be deemed modified as provided above, and consistent with STB's decision served in F.D. 34844 and 34890 served July 3, 2006, shall be applicable in F.D. 34890. An additional courtesy copy of PYCO's discovery request is tendered herewith.

Respectfully submitted,



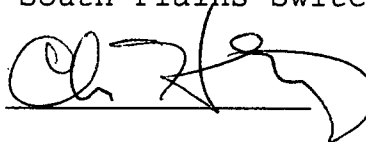
Charles H. Montange
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Of counsel:

Gary McLaren, Esq.
Phillips & McLaren
3305 66th St., Suite 1A
Lubbock, TX 79413
(806) 788-0609
for PYCO Industries, Inc.

Certificate of Service

The undersigned certifies service by express service, next business day delivery, and by fax transmission to 312-201-9695, to Thomas McFarland, counsel for South Plains Switching, at has address of record.



BEFORE THE SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

PYCO INDUSTRIES, INC. --)
FEEDER LINE DEVELOPMENT --) F.D. 34844
SOUTH PLAINS SWITCHING LTD.)

To: SOUTH PLAINS SWITCHING LTD

REQUESTS FOR PRODUCTION OF DOCUMENTS,
INTERROGATORIES, AND
REQUEST FOR ENTRY
ON BEHALF OF
APPLICANT PYCO INDUSTRIES, INC.

I. DOCUMENT REQUESTS

Pursuant to 49 C.F.R. § 1114.30 and 49 C.F.R. § 1151.2, applicant PYCO Industries, Inc. (PYCO), makes this request to incumbent railroad South Plains Switching Ltd (SAW) for production of documents.

A. Instructions

Pursuant to 49 C.F.R. § 1114.30(b), applicant PYCO provides the following instructions concerning time, place, and manner of making the inspection of documents:

Applicant requires incumbent railroad SAW to produce all documents requested herein for inspection no later than fifteen business days (i.e., 15 days excluding federal holidays and weekends) from the date that the Surface Transportation Board accepts or conditionally accepts applicant's Feeder Line Application pursuant to 49 C.F.R. § 1151.1. If SAW asserts an objection on ground of privilege against disclosure of any

document otherwise responsive document, please identify the document by name of author, name of recipient, and date of document.

Documents shall be produced at the law offices of Gary McLaren, Philips & McLaren, L.L.P., 3305 66th St., Suite 1A, Lubbock, TX 79413.

Unless otherwise provided, the discovery requests herein relate solely to SAW operations in the southern portion of Lubbock, Texas.

B. Definitions

For purposes of these document requests, "document" shall include electronic recordings, maps, charts, schematics, notes, and all other written materials, and shall include documents in the possession of SAW, its officers, directors, employees, agents, or contractors.

"Identify" shall mean to disclose the name, address, and telephone number.

"Shipper" shall mean anyone who receives from, or deliveries to, SAW shipments for rail transportation in Lubbock, Texas.

"Potential shipper" means anyone who expresses possible interest in receiving or delivering shipments by rail over SAW lines in Lubbock, Texas.

"BNSF" means BNSF Railway Company.

C. Protective Order

Applicant anticipates that incumbent railroad SAW will

assert that certain information is competitively sensitive. Applicant is providing a proposed protective order herewith.

D. Document Requests

Please provide the following documents in accordance with the instructions and definitions above, and as provided in the regulations of the Surface Transportation Board:

1. All documents showing the nature and scope of any proposed or possible rehabilitation of all or any portion of SAW lines in Lubbock, Texas, including all rehabilitation cost estimates.

2. All documents showing any maintenance program undertaken by SAW in connection with its rail lines in Lubbock, Texas since acquisition.

3. Documents sufficient to identify all shippers on SAW lines in Lubbock, Texas in the 12 months preceding 1 May 2006.

4. (a) Documents sufficient to show the total number of carloadings (inbound and outbound) for each shipper on SAW lines in Lubbock, Texas, on a month by month basis for each of the 36 months preceding 1 May 2006.

(b) Documents sufficient to show how SAW's operational plans to serve its shippers.

5. Documents sufficient to show all revenues and expenditures of SAW for each calendar or fiscal year preceding 1 May 2006, in respect to SAW's lines in Lubbock, Texas.

6. All licenses, agreements, or contracts permitting joint use of SAW real estate assets in Lubbock, Texas by another

party.

7. All documents showing land title information, including title reports, pertaining to any of SAW's rail properties in Lubbock, Texas.

8. Documents sufficient to show all sales of SAW rail properties in Lubbock, Texas.

9. All documents pertaining to complaints to SAW by shippers or potential shippers on SAW lines in Lubbock, Texas, about problems with rail service.

10. All correspondence with the STB Office of Compliance and Enforcement.

11. Documents sufficient to show SAW expenditures for track, tie, and switch maintenance since acquisition of SAW's rail lines in Lubbock, Texas from BNSF.

12. Documents relating to any spills of toxic or hazardous materials on or adjacent to SAW's rail lines in Lubbock, Texas.

13. Documents sufficient to disclose SAW's right to operate on track owned by persons or entities other than SAW in Lubbock, Texas.

14. All contracts between BNSF and SAW relating to SAW's rail lines or service on SAW's rail lines in Lubbock, Texas, including all amendments thereto, and all final judgments in any court proceeding pertaining thereto.

15. Documents sufficient to disclose special charges or tariffs paid to SAW by any shipper or potential shipper on SAW's lines in Lubbock, Texas.

16. All safety inspection reports pertaining to SAW lines in Lubbock, Texas.

17. Documents sufficient to disclose the persons who own SAW, and any changes in ownership of SAW.

18. All documents prepared by SAW or on behalf of SAW to solicit requests for proposals to buy all or portions of SAW.

19. Documents sufficient to identify all persons or entities who received requests for proposals to buy all or portions of SAW.

20. All documents relating to responses received by SAW to requests for proposals to buy all or portions of SAW.

21. All unsolicited proposals to buy all or portions of SAW.

22. All documents relating to business plans prepared by or on behalf of SAW relating to Lubbock, Texas rail operations.

23. All federal and tax returns for SAW since acquisition by SAW of its lines in Lubbock.

24. All financial statements and loan applications prepared for or on behalf of SAW.

25. The current version of all rules and procedures (including all rail operation rules and procedures) applicable to SAW rail service in Lubbock, Texas.

26. All contracts for rail service between SAW and shippers or potential shippers.

27. All records (documents) of SAW pertaining to problems with rail service to its customers or potential customers in

Lubbock, Texas.

28. All documents relating to contamination of SAW property in Lubbock with toxic chemicals above applicable federal or state regulatory limitations.

II. INTERROGATORIES

Pursuant to 49 C.F.R. § 1114.26 and 49 C.F.R. § 1151.2, applicant PYCO Industries, Inc. (PYCO), propounds the interrogatories set forth herein to incumbent railroad South Plains Switching Ltd (SAW).

A. Instructions

Pursuant to 49 C.F.R. § 1114.26, applicant PYCO provides the following instructions concerning time for answering interrogatories.

Applicant requires incumbent railroad SAW to answer all interrogatories fully and completely no later than fifteen business days (i.e., 15 days excluding federal holidays and weekends) from the date that the Surface Transportation Board accepts or conditionally accepts applicant's Feeder Line Application pursuant to 49 C.F.R. § 1151.1.

Answers to interrogatories shall be served upon the undersigned counsel at his address of record. Should incumbent railroad SAW elect to produce documents in lieu of answering an interrogatory in accordance with § 1114.26(b), said documents shall be produced in accordance with Part I above.

Unless otherwise provided, the discovery requests herein relate solely to SAW operations in the southern portion of Lubbock, Texas.

B. Definitions

For purposes of these interrogatories, "document" shall include electronic recordings, maps, charts, schematics, notes,

and all other written materials, and shall include documents in the possession of SAW, its officers, directors, employees, agents, or contractors.

"Identify" shall mean to disclose the name, address, and telephone number of any company or individual to which the interrogatory is applicable.

"Shipper" shall mean anyone who receives from, or deliveries to, SAW shipments for rail transportation in Lubbock, Texas.

"Potential shipper" means anyone who expresses possible interest in receiving or delivering shipments by rail over SAW lines in Lubbock, Texas.

C. Protective Order

Applicant anticipates that incumbent railroad SAW will assert that certain information is competitively sensitive. Applicant is providing a proposed protective order herewith.

D. Interrogatories

Please answer the following interrogatories fully and completely in accordance with the instructions and definitions above, and as provided in the regulations of the Surface Transportation Board:

1. (a) Identify all persons with knowledge of any maintenance program implemented by SAW on its lines in Lubbock, Texas.

(b) Describe SAW's maintenance program for its lines in Lubbock, and any changes therein since SAW acquired those lines.

2. (a) Identify all persons with knowledge of any estimates for the costs of rehabilitation of any SAW lines in Lubbock, Texas.

(b) For each such person, summarize what they purport to know concerning such rehabilitation costs.

3. (a) Identify all persons with knowledge of the land title pertaining to any SAW lines in Lubbock, Texas.

(b) For each such person, summarize what they purport to know concerning such land title.

4. (a) Identify all persons with knowledge of the net liquidation value of real estate pertaining to SAW lines in Lubbock, Texas.

(b) For each such person, summarize what they purport to know concerning such liquidation value.

5. (a) Identify all persons with knowledge of the net liquidation value of rail, track, ties, and other track material pertaining to SAW lines in Lubbock, Texas.

(b) For each such person, summarize what they purport to know concerning such liquidation value.

6. (a) Identify each person who has prepared, on behalf of SAW, an estimate of the net liquidation value or going concern value of SAW lines in Lubbock, Texas.

(b) For each such person, state the value, the property involved, and the basis of the valuation.

7. (a) Identify each person who has prepared, on behalf of SAW, a rehabilitation cost estimate for SAW's lines, or any

portion thereof, in Lubbock, Texas.

(b) For each such person, state the property for which the estimate was prepared, the basis of the estimate, and the amount of the estimate.

8. (a) Identify each shipper on SAW for the last twelve months preceding 1 May 2006, (b) list the total shipments to and from that shipper by carloads in each of the past twelve months, and (c) indicate whether rail service to that shipper required or used the "wye" track branching south out of the SAW yard that bisects PYCO's Plant No. 1 in Lubbock, Texas.

9. Identify SAW's accountant(s).

10. Identify the custodian of SAW's land title records.

11. Identify the custodian of SAW's records relating to shippers.

12. State all locomotives owned by SAW available for work in Lubbock, Texas; the date of acquisition of said locomotives for that purpose; and the dates during which said locomotives were out of service for repairs.

13. Identify all SAW employees who provide rail service in Lubbock, Texas on behalf of SAW, and state their normal work schedule.

14. Provide all facts and reasoning underlying SAW's demand that PYCO pay SAW \$ 5.5 million dollars as set forth in the letter from J. Gorsuch to G. McLaren dated October 11, 2005, attached as an exhibit to the Lacy Verified Statement in PYCO's Petition for Alternative Service filed in F.D. 34802, and

already served upon SAW.

15. State SAW's rail operating plan for Lubbock.

16. State SAW's cost of operation, including each component and the basis for that estimate.

17. (a) Identify each person who received or responded to a request for proposals to buy all or a portion of SAW's properties in Lubbock, Texas for rail operation.

(b) For any response to a request for proposals relating to the sale of SAW facilities in Lubbock, Texas for rail operation, state the date of the response, the amount of money or other consideration proposed, and the property to which it is applicable.

18. Identify any person who has made an offer to purchase property from SAW in Lubbock, Texas for continued rail operation and state the amount of such offer, the property to which it was applicable, and the date on which the offer was made.

19. Identify all persons with knowledge of any contamination of SAW's property in Lubbock with toxic chemicals and for each such person, summarize that person's knowledge of said contamination.

20. Identify all persons providing information responsive to the interrogatories and document requests submitted to SAW by PYCO and indicate to what interrogatories or document requests each person supplied responsive information.

III. ENTRY

Pursuant to 49 C.F.R. § 1114.30 and 49 C.F.R. § 1151.2, applicant PYCO Industries, Inc. (PYCO), makes this request to incumbent railroad South Plains Switching Ltd (SAW) for entry onto SAW's rail lines in Lubbock, Texas for inspection, measuring, surveying, photography, testing or sampling for the purpose of determining quality and condition of rail metallics and ties, and necessary and prudent rehabilitation expenses, and for determining boundaries and areas.

Because SAW historically has not operated on weekends, PYCO specifies entry on the first Saturday (other than a holiday weekend) that occurs fifteen business days (i.e., 15 days excluding federal holidays and weekends) from the date that the Surface Transportation Board accepts or conditionally accepts applicant's Feeder Line Application pursuant to 49 C.F.R. § 1151.1, and each succeeding day other than Sundays and holidays until the completion of inspection activities. PYCO shall make the inspection through one or more outside experts. Unless notified otherwise 24 hours in advance, inspection shall commence at 9 A.M. and shall conclude no later than 6 P.M. Inspection shall be on-site.

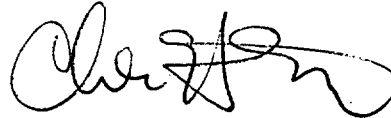
Incumbent railroad SAW shall advise PYCO in writing no later than 5 PM on the day preceding each day on which inspection will occur should SAW be conducting any work on the premises during the hours of inspection, and with particularity on which tracks and at what times SAW shall be working. Unless

SAW so advises PYCO, SAW shall not operate or work on the premises on the dates of inspection.

PYCO will make arrangements as necessary with alternative rail service provider West Texas & Lubbock Rwy concerning safe entry.

PYCO hereby commits to hold SAW harmless from any claims or costs arising from any accidents arising out of entry onto the premises pursuant to this discovery request on behalf of PYCO, other than those accidents arising from intentional misconduct by SAW, its officers, owners, agents, or employees.

Respectfully submitted,



Charles H. Montange
for PYCO Industries, Inc.
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Seattle, WA 98177
(206) 546-1936
fax: -3739

Of counsel:

Gary McLaren, Esq.
Phillips & McLaren
3305 66th St., Suite 1A
Lubbock, TX 79413
(806) 788-0609
for PYCO Industries, Inc.