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FLOYD TRUCKING, INC.

CERTIFIED DBE & HUB CONTRACTOR

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26 October 2006

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

Re: PYCO Industries -- Feeder Line Application --
South Plains Switching, Ltd., F.D. 34890
and related case ~~F.D. 34992~~

218011

FD 34922 218014

Dear Mr. Williams:

This responds to South Plains Switching, Ltd.'s (SAW's) motion to strike Floyd Trucking's letter of October 5, 2006. SAW moves to strike on the ground that Floyd Trucking is not a "party" and thus did not have a right of reply.

The Board's rules at 49 CFR 1151.2(e) generally provide for comments on applications and competing applications. The Board's original schedule allowed for comments by August 2. Many shippers, including Floyd Trucking, supplied comments to this Board and the "parties" at that date. A "party" does not have to be represented by a lawyer to be a "party." Floyd became a "party" or a "party" enough when it filed its earlier comments and they were served on the other parties including specifically Mr. McFarland, Mr. Mullins, and the various other attorneys representing "clients" in this proceeding.

Subsequent to August 2, SAW supplied its valuation for all-SAW, KJRY supplied a valuation for all-SAW, PYCO filed its revised valuation for all-SAW. The Board's schedule provided for comments by "parties" no later than October 12. We think that the Board intended to let any interested shipper file a comment by this deadline; in any event Floyd Trucking was effectively a "party" as it had filed a letter and the letter was served on all the "counseled" parties.

Floyd Trucking's comments were timely filed on October 12. In those comments, we stated (a) that we continue to support PYCO's

feeder line application, (b) that we continued to oppose the one filed by Pioneer (KJRY), and (c) that SAW should not be given credit for surcharges, because we did not believe for the reasons we stated that any railroad could make the surcharges stick, or stick enough to be "profitable." All this is highly germane and should be included in the record.

SAW says that our comments were directed at SAW and not at KJRY and PYCO. This is misleading. We commented that we supported PYCO and opposed KJRY, and our comments otherwise supported the position of PYCO (and KJRY) that SAW should not be given credit for a "legal" ability to surcharge. That is directed as much at PYCO (and KJRY) as at SAW. SAW cannot seriously claim that no one can comment on issues it raises concerning either the PYCO or the KJRY applications. The fact that our evidence and arguments are contrary to SAW's claims is not a grounds to strike our evidence and arguments.

Respectfully submitted,


O.E. Floyd, for Floyd Trucking

cc. Counsel