KAPLAN KIRSCH ROCKWELL

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November 13, 2006

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

218071

Re: F.D. No. 34824, *Tri-State Brick and Stone of New York, Inc., et al. – Petition for Declaratory Order*

Dear Sir:

This is to advise that New York City Economic Development Corporation ("NYCEDC"), acting on behalf of the City of New York, NY (the "City"), intends to file a reply to the Petition to Reopen filed by Tri-State Brick and Stone of New York, Inc., and Tri-State Transportation, Inc. in this proceeding. Pursuant to 49 C.F.R. §1104.13(a), NYCEDC will file its reply on or before November 24, 2006.

In addition to undersigned counsel, NYCEDC will continue to be represented in this proceeding by Alex Menendez of McLeod, Watkinson & Miller (One Massachusetts Avenue, N.W., Suite 800, Washington, DC 20001).

A copy of this letter is being served on all parties of record to this proceeding. In addition, I am attaching an additional copy of this letter, which I will appreciate your date-stamping and returning to our messenger.

Sincerely,

Charles A. Spitulnik

cc: John D. Heffner, Esq.
Fritz R. Kahn, Esq.
John F. McHugh, Esq.
Hon. Jerrold Nadler

104113

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