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THOMAS F. MCFARLAND

April 18, 2007

By e-filing

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W., Suite 1149
Washington, DC 20024

Re: Finance Docket No. 34889, *PYCO Industries, Inc. -- Alternative Service -- South Plains Switching, Ltd. Co.*

Dear Mr. Williams:

Enclosed please find a Second Supplement To Petition To Terminate Alternative Rail Service, for filing with the Board in the above referenced matter.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for South Plains
Switching, Ltd. Co.

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BEFORE THE
SURFACE TRANSPORTATION BOARD

PYCO INDUSTRIES, INC. --)
ALTERNATIVE RAIL SERVICE --) FINANCE DOCKET
SOUTH PLAINS SWITCHING LTD.) NO. 34889

SECOND SUPPLEMENT TO PETITION TO
TERMINATE ALTERNATIVE RAIL SERVICE

SOUTH PLAINS SWITCHING, LTD. CO.
P.O. Box 64299
Lubbock, TX 79464-4299

Petitioner

THOMAS F. McFARLAND
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Attorney for Petitioner

DATE FILED: April 18, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

PYCO INDUSTRIES, INC. --	)	
ALTERNATIVE RAIL SERVICE --	)	FINANCE DOCKET
SOUTH PLAINS SWITCHING LTD.	)	NO. 34889

**SECOND SUPPLEMENT TO PETITION TO
TERMINATE ALTERNATIVE RAIL SERVICE**

Pursuant to 49 C.F.R. § 1117.1, SOUTH PLAINS SWITCHING, LTD. CO. (SAW) hereby files this Second Supplement to the Petition that it filed on November 22, 2006 to Terminate Alternative Rail Service under 49 C.F.R. § 1147.1(c)(1).

SAW's Petition filed November 22, 2006 was predicated on the absence of serious service problems that would warrant the extraordinary and radical relief provided for under 49 C.F.R. Part 1147.

SAW's Petition was supplemented on February 15, 2007 on the ground that pursuant to 49 U.S.C. § 11102(a), the Board does not have authority to order alternative rail service under 49 C.F.R. Part 1147 where, as here, compensation for such alternative rail service has not been paid, nor adequately secured, at the commencement of alternative rail service. See "Emergency Petition for Partial Modification of Operating Protocols" filed Feb. 15, 2007, at 4-5, where SAW's Petition was supplemented. See, also, SAW's letter to the Board dated February 22, 2007, on the absence of Board authority to have ordered alternative rail service under 49 C.F.R. Part 1147.

This Second Supplement to SAW's Petition raises yet another ground for termination of alternative rail service under 49 C.F.R. Part 1147, i.e., the failure of the alternative rail service carrier, West Texas & Lubbock Railway Company (WTLC), to provide adequate rail service to shippers served by SAW. Attached to this Second Supplement as Appendix 1 is a copy of a communication from Mrs. Delilah Wisener, owner of SAW, to Thomas F. McFarland, counsel for SAW, dated April 17, 2007. The source of the information contained in that communication is Mr. Shad Wisener, who is an on-the-ground operational employee of SAW at Lubbock. Mr. Wisener's verification of the facts in that communication is attached as Appendix 2.

The Board should recall that under the operating protocols imposed by the Board over SAW's objection, SAW is dependent on WTLC to transport inbound traffic for receivers located on SAW from the BNSF Lubbock Yard to SAW's yard tracks. The communication attached as Appendix 1 establishes that:

- (1) WTLC failed to provide that transportation on six regular workdays (weekdays) in March, 2007, when there was inbound traffic for receivers on SAW in the BNSF Yard. WTLC failed to provide such transportation on 15 days in March, 2007, including weekend days, on which WTLC is authorized to provide service under the operating protocols. WTLC's failure to provide transportation of SAW traffic so often in March, 2007 prompted Mr. Shad Wisener to observe that WTLC's strategy seems to be to intentionally make deliveries difficult for SAW's customers.
- (2) WTLC's failure to provide transportation of SAW's traffic continued and accelerated during the first half of April, 2007. WTLC failed to provide such

transportation on 9 of the first 17 days of April, when inbound SAW traffic was available for transportation in the BNSF Yard. WTLC's failure to provide transportation included three consecutive workdays, i.e., Thursday, April 5; Friday, April 6; and Monday, April 9. That resulted in a substantial delay in receipt of rail traffic by receivers on SAW.

- (3) On April 5, 2007, WTLC moved all railcars off Track 9200 and transported those cars to its own yard in the Lubbock area.

SAW submits that Appendix 1 establishes clearly that at the present time and since at least the beginning of March, 2007, customers of SAW are not receiving adequate rail service from WTLC on inbound rail traffic.

In that circumstance, alternative rail service is required to be terminated forthwith. 49 C.F.R. Part 1147 is governed by the statute from which it derives its authority, which is 49 U.S.C. § 11102(a). That statute permits the Board to order a rail carrier to operate over tracks of another rail carrier only if the Board finds, among other things, that such operation can be accomplished "without substantially impairing the ability of the rail carrier owning the facilities . . . to handle its own business." 49 U.S.C. § 11102(a).

Appendix 1 establishes unequivocally that no such finding is currently possible. That being the case, alternative rail service should be terminated forthwith. The statute requires that the Board take into account the interest of SAW's customers who are not subject to alternative rail service. Those customers are suffering as a result of WTLC's failure to provide adequate rail service on inbound traffic to SAW's customers. This constitutes the third major reason

warranting immediate termination of alternative rail service. Accordingly, the Board should terminate alternative rail service forthwith.

Respectfully submitted,

SOUTH PLAINS SWITCHING, LTD. CO.
P.O. Box 64299
Lubbock, TX 79464-4299

Petitioner

Thomas F. McFarland

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DATE FILED: April 18, 2007

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P. O. BOX 64299 LUBBOCK, TEXAS
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4863

April 17, 2007

Dear Tom:

This is Shad's record for March and April 2007.

During the month of March the WTLC failed to service the SAW on 6 regular work days, if you include the weekends there was no service to SAW for 15 days. The protocol gives the WTLC the right to work 7 days a week. Their strategy seems to be to intentionally make deliveries difficult for our remaining customers.

On Thursday, April 5, WTLC cleared track 9200 and moved those cars to WTLC Yard.

SAW received no cars from WTLC on April 1 or 2. SAW received no service from the WTLC April 5, 6, 7, 8 or 9th.

SAW failed to get service from WTLC for 9 days from April 1 through April 17.

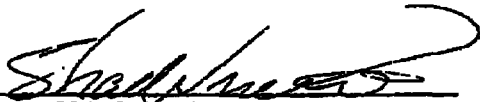
Thanks,

Delilah Wisener

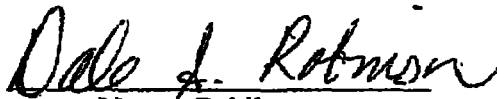
VERIFICATION

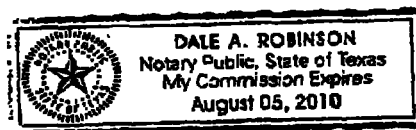
STATE OF TEXAS)
) SS:
COUNTY OF LUBBOCK)

SHAD WISENER, being duly sworn on oath, deposes and states that he has read the foregoing statement, that he knows the contents thereof, and that the facts therein stated are true and correct.


SHAD WISENER

SUBSCRIBED AND SWORN to
Before me this 18th day
Of April, 2007.


Notary Public



My Commission Expires:

August 05, 2010

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2007, I served the foregoing document, Second Supplement to Petition To Terminate Alternative Rail Service, by UPS overnight mail, on the following:

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Thomas F. McFarland