

DeKoter, Thole, & Dawson, P.L.C.

ATTORNEYS AT LAW

221 4/9
DANIEL F. DEKOTER
MICHAEL L. THOLE
HAROLD D. DAWSON
NICOLE M. JENSEN-HARRIS

315 Ninth Street
P O Box 253
Sibley, Iowa 51249-0253
712/754-4601
Fax 712/754-2301

L. L. CORCORAN 1912-1992
DONALD L. SKIVER 1923-1989
RICHARD D. ZITO 1944-1994

Email author dandekoter@sibleylaw.com
Mobile author 712/330-4538

Via certified mail, return receipt

January 23, 2008

Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: AB1067 (Sub-No. 1X)
General Railway Corporation
Petition to Reopen

Dear Sir or Madam:

I am enclosing an original Petition to Reopen, plus ten copies. My understanding is that there is no filing fee, since this is not a new proceeding. I also reviewed the schedule of fees at your web site and was unable to find any fee for petitions to reopen. If my understanding is not correct, please let me know.

Also enclosed is a copy of this letter, which I ask that you time-stamp and return in the envelope provided for that purpose.

Thank you.

Sincerely yours,

DeKoter, Thole, & Dawson, P.L.C.

ENTERED
Office of Proceedings

JAN 29 2008

Part of
Public Record

Daniel E. DeKoter

DDK:mh
Enclosures

FILED

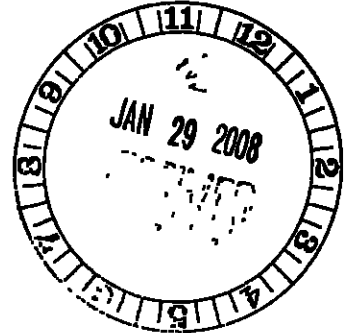
JAN 29 2008

**SURFACE
TRANSPORTATION BOARD**

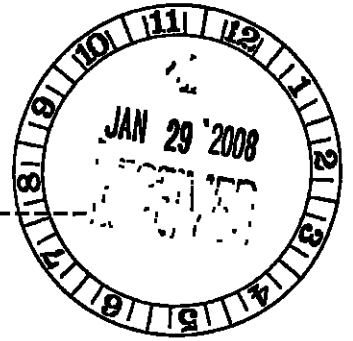
FEE RECEIVED

JAN 29 2008

**SURFACE
TRANSPORTATION BOARD**



BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-1067 (Sub-No. 1X)

GENERAL RAILWAY CORPORATION D/B/A
IOWA NORTHWESTERN RAILROAD COMPANY--
ABANDONMENT EXEMPTION--LINE OF DICKINSON
OSCEOLA RAILROAD ASSOCIATION

PETITION TO REOPEN PROCEEDING

Daniel E. DeKoter
DeKoter, Thole & Dawson, P.L.C.
315 9th St.
P.O. Box 253
Sibley, Iowa 51249
(712) 754-4601
Fax (712) 754-2301
dandekoter@sibleylaw.com

ENTERED
Office of Proceedings

JAN 29 2008

Part of
Public Record

FILED

JAN 29 2007

SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

JAN 29 2007

SURFACE
TRANSPORTATION BOARD

Table of Contents

	Page
1. Background	.2
2. Argument	3
3. Certificate of Service	.4

1. Background.

This Petition involves a rail line of approximately 37.21 total miles, extending between milepost 79.34 at a point west of Superior, Iowa, and the end of the line at milepost 116.55 at a point west of Allendorf, Iowa, in Dickinson and Osceola Counties.

This Petition is filed on behalf of a shipper on the line, Cooperative Elevator Association ("CEA") pursuant to 49 U.S.C. §10502. The Petition seeks to reopen the Petition for Exemption of General Railway Corporation ("GRC"), which was the subject of a Board Decision in this matter served on April 10, 2006.

In its April 10, 2006 decision the Board refused GRC the authority to abandon because at that time GRC had no authority for its purchase of the line. The Board therefore granted discontinuance authority only.

On May 10, 2006 GRC filed a notice of exemption for authority to acquire the line. On May 23, 2006, a petition was filed to reject or revoke the notice of exemption. The petition

to reject or revoke the notice of exemption was denied by the Board's decision of June 15, 2007, in STB Finance Docket No. 34867. Therefore, GRC now has administrative authority to own the line.

2. Argument.

Petitions to reopen an administratively final action may be filed at any time under 49 U.S.C. §722(c) and 49 C.F.R. §1115.4. A petition to reopen must state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances and must include a request that the Board make such a determination.

Petitioner requests that the Board determine that there are substantially changed circumstances in this case because the Board has now granted GRC the ownership authority it previously lacked. The authority to own the line was the sole impediment to the abandonment process.

CEA therefore requests that this abandonment exemption proceeding, Docket No. AB-1067 (Sub-No. 1X) be reopened. The Board should then proceed to consider the pending requests for public use condition which were described in footnote 1 of its April 6, 2006 decision, and to take such additional action as may be appropriate.



Daniel E. DeKoter
DEKOTER, THOLE, & DAWSON, P.L.C.
315 9th Street
P.O. Box 253
Sibley, Iowa 51249
(712) 754-4601
Fax (712) 754-2301
dandekoter@sibleylaw.com

CERTIFICATE OF SERVICE

I certify that I have this 23rd day of January, 2008, served copies of the foregoing document and all attachments to it on all parties of record in this proceeding, by mailing copies to them by United States Mail, postage prepaid, as follows:

Daniel L. Hartnett
Attorney at Law
Crary Law Firm
614 Pierce St.
P.O. Box 27
Sioux City IA 51102

John Larkin
CEO and President
General Railway Corporation
4814 Douglas St.
Omaha NE 68132

Iowa Trails Council
P.O. Box 131
Center Point, Iowa 52213-0131

Iowa Natural Heritage Foundation
Insurance Exchange Bldg.
Suite 444
505 Fifth Avenue
Des Moines, Iowa 50309-2321

Dan LaKemper
Pioneer Rail Corporation
1318 S Johanson
Peoria IL 61607



Daniel E. DeKoter
DEKOTER, THOLE, & DAWSON, P.L.C.
315 9th Street
P.O. Box 253
Sibley, Iowa 51249
(712) 754-4601
Fax (712) 754-2301
dandekoter@sibleylaw.com