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THOMAS F. MCFARLAND

February 6, 2008

By e-filing

Anne K. Quinlan, Esq
Acting Secretary
Surface Transportation Board
395 E Street, S.W., Suite 1149
Washington, DC 20024

221546

Re Finance Docket No. 35111, *South Plains Switching, Ltd. Co -- Compensation For Use Of Facilities In Alternative Rail Service -- West Texas and Lubbock Railway Company*

Dear Ms Quinlan

This refers to a Reply filed by PYCO Industries, Inc (PYCO) and West Texas & Lubbock Railway Company (WTLC) on January 23, 2008 to a Motion to Compel filed by South Plains Switching, Ltd. Co. (SAW) on January 16, 2008

One of the items of discovery was a request to produce copies of waybills or similar documentation supporting loaded cars transported by WTLC for PYCO during specified periods in 2006 and 2007. At page 3 of the PYCO-WTLC Reply to Motion to Compel, the following is stated

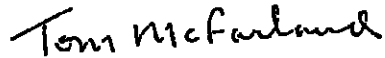
... WTLC did not receive, rely upon, or retain such information in the orderly course of business as alternative rail service provider to PYCO, and is under no duty to produce what it never received, relied upon, or retained.

SAW has reason to believe that such statement is not accurate. As switch carrier at Lubbock, SAW received Form 418 from BNSF that reflects train consist inbound or outbound. SAW also received Form 417 which relates to a waybill. Attached to this communication are copies of Form 418s inbound and outbound received from BNSF, and a Form 417. Presumably, WTLC also received those Forms from BNSF, and could have furnished them in response to SAW's discovery request

THOMAS F. MCFARLAND
Anne K. Quinlan, Esq.
February 6, 2008
Page 2

This is intended to notify the Board that WTLC's discovery response is inadequate. See decision in this proceeding served February 5, 2008, ordering paragraph 2.

Very truly yours,



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

TMcf kl wp8 01/199efstb3

cc. *(by e-mail)*
John Heffner, Esq.
Charles Montange, Esq.
Mr. Larry Wisener
Mr. Dennis Olmstead
James L. Gorsuch, Esq.

RailConnect

Edit Fundings Map

rmi

Providers of
RailConnect

RailConnect

Interchange

Rerun

More View

RBFLEFR SNW Cars On Inbound Consist QPADEV088C CHANGE

Station 42288 Train ID BN 22 30 Road BNSF Date 11/29/87 Time 21:55
 Car Count: Loads 0 Empties 18 AB Test Due 2

Show Internodals: #N0

U/B SD95 N

Type IVNH C EU

2 Car	LE	KD	Commodity	Block To					
BNSF 725177	E	R	==EMPTY==	PYCO	LB	42280	42288	410N	----
BNSF 725948	E	R	==EMPTY==	PYCO	LB	42280	42288	410N	----
BN 258436	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----
BNSF 725953	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----
BN 258216	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----
BN 258266	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----
BNSF 723797	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----
BNSF 724983	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----
BNSF 725644	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----
BN 249588	E	R	==EMPTY==	PYCO	LB	42288	42288	410N	----

418

Bottom
 *Copy D=Delete A=Add After E=EIF M=History N=Move P=Print Waybill
 S=Spec Instr W=Waybill F3=Interchange F18=Rerun F24=More Keys

1/21/08 SAW
13:38:06

Train Consist

Page 1 of 2
RSMTTFR

CARS IN THIS TRAIN ARE COUNTED FROM FRONT TO REAR

Switch To/Block To: B

Train ID BN 22 30 Interchange Station 42200

Date/Time 11/29/07 21:55

Seq Car	LE KD	Commodity	Consignee	Block To	Station
1 BNSF 725177	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
2 BNSF 725940	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
3 BN 250436	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
4 BNSF 725963	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
5 BN 250216	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
6 BN 250266	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
7 BNSF 725797	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
8 BNSF 724983	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
9 BNSF 725844	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200
10 BN 249500	E A	**EMPTY**	PYCOIND	PYCO LB 42200	42200

LOADED CARS	0	EMPTY CARS	10	TOTAL CARS	10	TONS	298	LENGTH	530
HAZMAT CARS	0			TOTAL OPER	0	TONS	0	LENGTH	0

TOTAL	10	TONS	298	LENGTH	530
Train Length Stretched (3%):				546	

COUNTS BY SETOUT POINTS (EXCLUDES LOCOMOTIVES)

STATION	LDS	COM	MTY	AUT	PIG	OTH	TOT	FEET	TONS
42200 S. PLAINS SWITCHING	0	0	10	0	0	10	10	530	298
TOTAL	0	0	10	0	0	10	10	530	298
Train Length Stretched (3%):								546	

H=Hazmat O=Operating Locomotive D=Locomotive in Tow C=Caboose E=EOT Device

Seq	Car	Tons per Car	Cumulative								W	LE	W	H Gross Tons	Len Feet	Axl Cnt
			2	4	6	8	10	12	14	16						
1	BNSF 725177	29	29	58	87	116	145	174	203	232	261	290	319	348	377	406
2	BNSF 725940	30	59	89	119	149	179	209	238	268	298	327	357	386	416	
3	BN 250436	30	89	119	149	179	209	238	268	298	327	357	386	416	445	
4	BNSF 725963	30	119	149	179	209	238	268	298	327	357	386	416	445	475	
5	BN 250216	30	149	179	209	238	268	298	327	357	386	416	445	475	504	
6	BN 250266	30	179	209	238	268	298	327	357	386	416	445	475	504	534	
7	BNSF 725797	30	209	238	268	298	327	357	386	416	445	475	504	534	563	
8	BNSF 724983	29	238	268	298	327	357	386	416	445	475	504	534	563	593	
9	BNSF 725844	30	268	298	327	357	386	416	445	475	504	534	563	593	622	
10	BN 249500	30	298	327	357	386	416	445	475	504	534	563	593	622	652	

Train Length Stretched (3%): 546

Hourly Car Hire Cost For Train: 4.38

*** END OF REPORT ***

RailConnect

Edit Functions Help

rmi

Product of
RailConnect

RailConnect

Level
Exit Menu
Print
Invalidate
Show Internodals
OK

RSJODFR SLAL Work with Cars in Outbound Consist 3PADEV0021

Station SLATN Train ID ASHLAND EOL Road BNSF
Date 12/12/87 Time 18.00 Consist Type Actual Interchange
Find Car: Total Cars: 7

P	Car	LE	MD	Commodity	Block To	Show Internodals: #NO	Train/Track
	NATX 29598	E	T			SLATN	SLATN
	ACFX 76687	E	T			SLATN	SLATN
	ACFX 79904	E	T			SLATN	SLATN
	ACFX 76664	E	T			SLATN	SLATN
	ACFX 76671	E	T			SLATN	SLATN
	ACFX 76598	E	T			SLATN	SLATN
	NATX 381287	E	T			SLATN	SLATN

A=Add After B=Add Before C=Pending Charges D=Delete H=History
I=Incidental Charges P=Print Waybill W=Waybill
F3=Exit F5=Deliver F6=Print Menu F7=Alt View F11=Show Internodals
F18=Resequence

Bottom

This consist cannot be maintained at this time.

also a 418

Fax from : 8868283345

01-23-00 10:31 Pg. 5

1/21/08 SLAL
15:36:26

Train Consist

Page 1 of 7
RSMTPFR

CARS IN THIS TRAIN ARE COUNTED FROM FRONT TO REAR

Switch To/Block To: B
Train ID ASHLAND Interchange Station SLATN Date/Time 12/12/07 16:00

Seq	Car	LE	KD	Commodity	Consignee	Block To	Station
1	NATX 29590	E	T	METHANOL	SOUTH PLAINS	SLATN	SLATN

Waybill: 107768 Date: 11/02/07

* HAZARDOUS *

EMERGENCY CONTACT:

800-424-9300

1 Tank Car
RESIDUE: LAST CONTAINED
METHANOL SOLUTION
3 (6.1)
UN1230
II
RQ (METHANOL)
EMERGENCY CONTACT:
800-424-9300
HAZMAT STCC=4909230

***** END OF HAZMAT DATA

TO/CONSIGNEE
SOUTH PLAINS LAMESA RAILROAD L

FROM/SHIPPER
ASHLAND DISTRIBUTION CO

SLATON	TX	LUBBOCK	TX				
2	ACFX 76607	E	T	METHANOL	SOUTH PLAINS	SLATN	SLATN

Waybill: 107768 Date: 11/02/07

* HAZARDOUS *

EMERGENCY CONTACT:

800-424-9300

1 Tank Car
RESIDUE: LAST CONTAINED
METHANOL SOLUTION
3 (6.1)
UN1230
II
RQ (METHANOL)
EMERGENCY CONTACT:
800-424-9300
HAZMAT STCC=4909230

***** END OF HAZMAT DATA

TO/CONSIGNEE
SOUTH PLAINS LAMESA RAILROAD L

FROM/SHIPPER
ASHLAND DISTRIBUTION CO

3 ACFX 79904 E T METHANOL SOUTH PLAINS

SLATN SLATN

Waybill: -107768 Date: 11/02/07

* HAZARDOUS *

EMERGENCY CONTACT:

800-424-9300

1 Tank Car
RESIDUE: LAST CONTAINED
METHANOL SOLUTION
3 (6.1)
UN1230
II
RQ (METHANOL)
EMERGENCY CONTACT:
800-424-9300
HAZMAT STCC=4909230

***** END OF HAZMAT DATA

TO/CONSIGNEE
SOUTH PLAINS LAMESA RAILROAD L

FROM/SHIPPER
ASHLAND DISTRIBUTION CO

SLATON

TX

LUBBOCK

TX

4 ACFX 76664 E T METHANOL SOUTH PLAINS

SLATN SLATN

Waybill: 107768 Date: 11/02/07

* HAZARDOUS *

EMERGENCY CONTACT:

800-424-9300

1 Tank Car
RESIDUE: LAST CONTAINED
METHANOL SOLUTION
3 (6.1)
UN1230
II
RQ (METHANOL)
EMERGENCY CONTACT:
800-424-9300
HAZMAT STCC=4909230

***** END OF HAZMAT DATA

TO/CONSIGNEE
SOUTH PLAINS LAMESA RAILROAD L

FROM/SHIPPER
ASHLAND DISTRIBUTION CO

SLATON

TX

LUBBOCK

TX

5 ACFX 76671 E T METHANOL SOUTH PLAINS

SLATN SLATN

Waybill: 107768 Date: 11/02/07

* HAZARDOUS *

EMERGENCY CONTACT:
800-424-9300

1 Tank Car
RESIDUE: LAST CONTAINED
METHANOL SOLUTION
3 (6.1)
UN1230
II
RQ (METHANOL)
EMERGENCY CONTACT:
800-424-9300
HAZMAT STCC=4909230

***** END OF HAZMAT DATA

TO/CONSIGNEE
SOUTH PLAINS LAMESA RAILROAD L

FROM/SHIPPER
ASHLAND DISTRIBUTION CO

SLATON

TX

LUBBOCK

TX

6 ACFX 76590 E T METHANOL SOUTH PLAINS SLATN SLATN

Waybill: 107768 Date: 11/02/07

* HAZARDOUS *

EMERGENCY CONTACT:
800-424-9300

1 Tank Car
RESIDUE: LAST CONTAINED
METHANOL SOLUTION
3 (6.1)
UN1230
II
RQ (METHANOL)
EMERGENCY CONTACT:
800-424-9300
HAZMAT STCC=4909230

***** END OF HAZMAT DATA

TO/CONSIGNEE
SOUTH PLAINS LAMESA RAILROAD L

FROM/SHIPPER
ASHLAND DISTRIBUTION CO

SLATON

TX

LUBBOCK

TX

7 NATX 301207 E T METHANOL SOUTH PLAINS SLATN SLATN

Waybill: 107768 Date: 11/02/07

* HAZARDOUS *

EMERGENCY CONTACT:
800-424-9300

1 Tank Car
RESIDUE: LAST CONTAINED

Fax from : 8068283345

01-23-00 10:50 pg. 7
Page 4 of 7

METHANOL SOLUTION

3 (6.1)

UN1230

II

RQ (METHANOL)

EMERGENCY CONTACT:

800-424-9300

HAZMAT STCC=4909230

***** END OF HAZMAT DATA

TO/CONSIGNEE

SOUTH PLAINS LAMESA RAILROAD L

FROM/SHIPPER

ASHLAND DISTRIBUTION CO

SLATON

TX

LUBBOCK

TX

LOADED CARS	0	EMPTY CARS	7	TOTAL CARS	7	TONS	237	LENGTH	422
HAZMAT CARS	7			TOTAL OPER	0	TONS	0	LENGTH	0

TOTAL 7 TONS 237 LENGTH 422

Train Length Stretched (3%): 435

COUNTS BY SETOUT POINTS (EXCLUDES LOCOMOTIVES)

STATION	LDS	COM	MTY	AUT	PIG	OTH	TOT	FEET	TONS
SLATN SLATON	0	0	7	0	0	7	7	422	237
TOTAL	0	0	7	0	0	7	7	422	237

Train Length Stretched (3%): 435

Fax from : 8068283345

Hazmat O=Operating Locomotive D=Locomotive in Tow C=Caboose E=EOT Device

Hazardmat O=Operating Locomotive D=Locomotive										---Cumulative---					
		Tons	2	4	6	8	10	12	14	16	W	LE	H Gross	Len	Axl
		per	0	0	0	0	0	0	0	0			Tons	Feet	Cnt
eq Car		Car	V	V	V	V	V	V	V	V					
1	NATX	29590	34	HHHHHHH							E		34	62	4
2	ACFX	76607	34	HHHHHHH							E		68	122	8
3	ACFX	79904	33	HHHHHHH							E		101	182	12
4	ACFX	76664	34	HHHHHHH							E		135	242	16
5	ACFX	76671	34	HHHHHHH							E		169	302	20
6	ACFX	76590	34	HHHHHHH							E		203	362	24
7	NATX	301207	34	HHHHHHH							E		237	422	28
Train Length Stretched (3%):														435	

Train Length Stretched (3%): 435

Hourly Car Hire Cost For Train: .00

rain ID ASHLAND

IN THE EVENT OF AN ACCIDENT, THESE INSTRUCTIONS MUST PROMPTLY BE MADE AVAILABLE TO EMERGENCY, FIRE OR POLICE PERSONNEL.

FOR ADDITIONAL EMERGENCY INFORMATION AND ASSISTANCE, CALL
CHEMTREC - TELEPHONE (800) 424-9300.

1 CARS FROM ENGINE NATX 29590 E
2 CARS FROM ENGINE ACFX 76607 E
3 CARS FROM ENGINE ACFX 79904 E
4 CARS FROM ENGINE ACFX 76664 E
5 CARS FROM ENGINE ACFX 76671 E
6 CARS FROM ENGINE ACFX 76590 E
7 CARS FROM ENGINE NATX 301207 E

METHANOL <OR> METHANOL SOLUTION
CLASS 3 (FLAMMABLE LIQUID)
ENVIRONMENTALLY HAZARDOUS SUBSTANCE (RQ-5000/2270)

4909230
UN1230

METHANOL IS A COLORLESS, FAIRLY VOLATILE LIQUID WITH A FAINTLY SWEET PUNGENT ODOR LIKE ETHYL ALCOHOL. IT IS FULLY SOLUBLE IN WATER. IT HAS A CLOSED CUP FLASH POINT OF 54 DEG. F. THE VAPORS ARE SLIGHTLY HEAVIER THAN AIR AND MAY TRAVEL SOME DISTANCE TO A SOURCE OF IGNITION AND FLASH BACK. ANY ACCUMULATION OF VAPORS IN CONFINED SPACES, SUCH AS BUILDINGS OR SEWERS, MAY EXPLODE IF IGNITED. IT WEIGHS 6.6 LBS./GAL. IT IS USED AS A RAW MATERIAL TO MAKE CHEMICALS, TO REMOVE WATER FROM AUTOMOTIVE AND AVIATION FUELS, AS A SOLVENT FOR PAINTS AND PLASTICS, AND AS AN INGREDIENT IN A WIDE VARIETY OF PRODUCTS.

IF MATERIAL ON FIRE OR INVOLVED IN FIRE
DO NOT EXTINGUISH FIRE UNLESS FLOW CAN BE STOPPED
USE WATER IN FLOODING QUANTITIES AS FOG
SOLID STREAMS OF WATER MAY BE INEFFECTIVE
COOL ALL AFFECTED CONTAINERS WITH FLOODING QUANTITIES OF WATER
APPLY WATER FROM AS FAR A DISTANCE AS POSSIBLE
USE "ALCOHOL" FOAM, DRY CHEMICAL OR CARBON DIOXIDE

IF MATERIAL NOT ON FIRE OR NOT INVOLVED IN FIRE
KEEP SPARKS, FLAMES, AND OTHER SOURCES OF IGNITION AWAY
KEEP MATERIAL OUT OF WATER SOURCES AND SEWERS
BUILD DIKES TO CONTAIN FLOW AS NECESSARY
ATTEMPT TO STOP LEAK IF WITHOUT UNDUE PERSONNEL HAZARD
USE WATER SPRAY TO DISPERSE VAPORS AND
DILUTE STANDING POOLS OF LIQUID

PERSONNEL PROTECTION
AVOID BREATHING VAPORS
KEEP UPWIND
WEAR APPROPRIATE CHEMICAL PROTECTIVE GLOVES, BOOTS AND GOGGLES
DO NOT HANDLE BROKEN PACKAGES UNLESS WEARING
APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT
WASH AWAY ANY MATERIAL WHICH MAY HAVE CONTACTED THE BODY
WITH COPIOUS AMOUNTS OF WATER OR SOAP AND WATER