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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-103 (Sub- No. 21X)

**KANSAS CITY SOUTHERN RAILWAY COMPANY
ABANDONMENT EXEMPTION
LINE IN WARREN COUNTY, MS**

STB DOCKET NO. AB-1016 (Sub- No. 0 X)

**VICKSBURG SOUTHERN RAILROAD, INC
DISCONTINUANCE OF SERVICE PETITION FOR EXEMPTION
LINE IN WARREN COUNTY, MS**

**RAYMOND B. ENGLISH'S RESPONSE
TO KCSR'S LETTER THREATENING SANCTIONS**

1. Raymond B English ("English") herewith files Raymond B. English's Response to KCSR's October 4, 2007 Letter Threatening Sanctions

1. BACKGROUND INFORMATION

2 On August 24, 2007, The Kansas City Southern Railway Company ("KCSR"), filed an Abandonment Petition for Exemption ("Petition"), to abandon that portion of the Vicksburg Industrial Lead, a k a Redwood Branch, extending from milepost 225.6 to milepost 229.85, a distance of 4.25 miles, all in Warren County, Mississippi ("Line"), and the Vicksburg Southern Railroad, Inc ("VSOR") simultaneously filed a Discontinuance of Service Petition for Exemption over the Line.

3 On September 11, 2007, English sent a letter to the Board, stating he protested the abandonment of the Line, and further stating that he objected to KCSR's request to exempt the proceeding from the Board's Offer of Financial Assistance ("OFA") procedures. On page 2 of that September 11, 2007 letter, English made the following statement ("September 11 Statement"):

"Mr. J. B. Davenport, Treasurer of Foam Packaging, Inc., visited in person and conversed by phone with Mr. Mike Haverty on several occasions in the past. Mr. Haverty is the Chairman and CEO of Kansas City Southern Railway Company. Mr. Haverty assured Mr. Davenport that the line serving the spur utilized by Foam Packaging would not be abandoned by Kansas City Southern Railway company."

4 On October 2, 2007, English filed his Notice to Participate as a Party, his initial Comments, a Notice of Intent to File an Offer of Financial Assistance, and English's Reply to Petitioner's Request to be Exempt From 49 U.S.C. §10904 (Offers of Financial Assistance)

5 On October 4, 2007, KCSR's counsel, William Mullins, sent a letter to English, threatening to ask the Board to impose sanctions upon English, if English failed to send a note to the Board, asking leave from the Board to withdraw the September 11 Statement reproduced above. See Exhibit C, attached hereto. In this threatening letter, Mr. Mullins stated that KCSR personnel had consulted the personal calendar of Mr. Haverty, and other KCSR logs that noted Mr. Haverty's schedule, and persons Mr. Haverty had spoken with. Mr. Mullins stated that none of these internal KCSR records made mention of any contact between Mr. Haverty and Mr. Davenport.

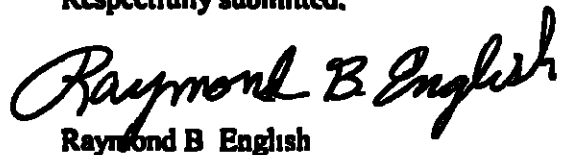
6. For the record, Mr. Haverty and Mr. Davenport had a conversation while at a restaurant. During that restaurant conversation, Mr. Haverty made the statement that KCSR would not abandon the Line that serviced Foam Packaging, Inc. While KCSR's internal records may not note this encounter, and may not record verbatim the conversation between Mr. Haverty and Mr. Davenport, it did occur. English would suggest that as Chairman and CEO of KCSR, his every move and every conversation were not subject to prior approval by underlings at KCSR, nor were they observed by, nor recorded by, KCSR personnel shadowing his every waking moment.

7 On October 9, 2007, contemporaneously with the filing of this Raymond B. English's Response to KCSR's October 4, 2007 Letter Threatening Sanctions, English filed a Motion to

Strike and his Retort to KCSR's October 2, 2007 Response to English's September 11, 2007 letter ("Retort") In ¶ 10 of English's Retort, English stated that he admitted that the evidence and argument that KCSR has offered in support of its petition to abandon the Line, would have sufficient probable value to permit the Board to grant KCSR's request to abandon the Line In his Retort, English has indicated that he no longer opposes KCSR's Petition to Abandon the Line, and he no longer opposes VSOR's Petition to Discontinue Service over the Line, providing that English is permitted to file an OFA to purchase the Line. Having withdrawn his opposition to the abandonment and discontinuance-of-service Petitions, the only issue the Board need address, is whether KCSR should be permitted to exempt this proceeding from the OFA provisions

8 Since the only issue before the Board is the OFA exemption request, Mr Haverty's statement regarding abandonment of the Line would no longer be materially relevant to the issue English is asking the Board to address Consequently, in an effort to remove this tangential issue from center stage, English will ask that the Board strike the September 11 Statement reproduced in ¶ 3, *supra*

Respectfully submitted,


Raymond B English

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 2007, a copy of the foregoing Raymond B English's Response to KCSR's October 4, 2007 Letter Threatening Sanctions, was served by first class mail, postage prepaid, upon William A Mullins, Baker & Miller PLLC, Ste 300, 2401 Pennsylvania Ave, N W , Washington, DC 20037, attorney for Kansas City Southern Railway Company, and was served by first class mail, postage prepaid, upon Craig Richey, 315 W. 3rd Street, Pittsburg, KS 66762, attorney for Vicksburg Southern Railroad, Inc

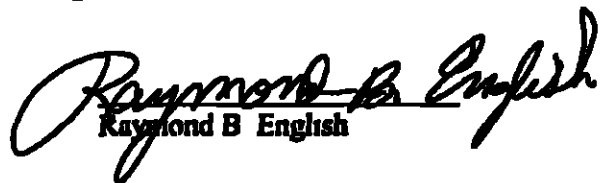

Raymond B English

Exhibit A
End of Rail
Mile Post 227.5
R.B.E.



Exhibit A
End of Rail
Mile Post 227.5
R.B.E.



Exhibit A
Warrenton Road
R.B.E.



Exhibit A
Glass Road
R.B.E.

