

Dia:

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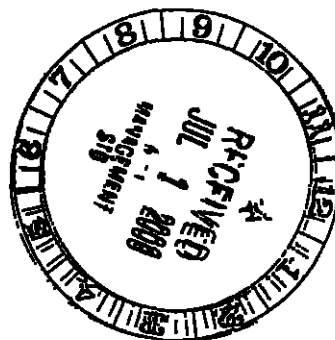
May 6, 2008

Hon. Ann K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

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Office of Proceedings

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Public Record



Re. STB Finance Docket No. 35106
United States Department of Energy – Rail Construction and Operation
- Caliente Rail Line in Lincoln, Nye, and Esmeralda Counties, Nevada
Notice of Intent to Participate

Dear Secretary Quinlan

We are writing in response to the Surface Transportation Board, Notice of Construction and Operation Application and Adoption of Procedural Schedule, published in the Federal Register, on April 16, 2008.

Pursuant to the Board's Notice, we hereby provide notice of intent to participate in this proceeding as a party of record. We respectfully request that we receive copies of all filings, submissions, discovery requests and responses, notices, and decisions made in this proceeding. When applicable we prefer to receive this information via email at ksonnenborn@diaart.org. Thank you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Laura Racovich".

Laura Racovich
Deputy Director
Dia Art Foundation

Two handwritten signatures in cursive script, one above the other, appearing to read "Mary Herzer" and "Michael Herzer".

Mary and Michael Herzer
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CERTIFICATE OF SERVICE

I certify that on May 7, 2008 a copy of the foregoing Dia Art Foundation and Triple Aught Foundation's Notice of Intent to Participate was provided to parties or counsel of record, and others identified below, by first-class US mail or email

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Notice of Intent to Participate
STB Finance Docket No 35108

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I certify that on June 27, 2008 a copy of the foregoing Dia Art Foundation and Triple Aught Foundation's Notice of Intent to Participate was provided to parties or counsel of record, and others identified below, by first-class US mail or email

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Notice of Intent to Participate
STB Finance Docket No. 35106



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