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VIA ELECTRONIC FILING

Ms. Anne K. Quinlan

Acting Secretary

Surface Transportation Board

395 E. Street SW

Washington, DC 20423

RE: Finance Docket No. 35036 Suffolk & Southern Rail Road LLC –
Lease and Operation Exemption – Sills Road Realty, LLC

Dear Secretary Quinlan:

I represent the Town of Brookhaven ("Brookhaven") in the STB Proceeding that is currently pending under the above-referenced docket number. This letter is sent in response to a letter dated August 11, 2008 filed by the attorneys for Sills Road Realty LLC ("Petitioner"). In that letter Petitioner indicates that KeySpan Energy ("KeySpan") has approached it to seek permission to access Petitioner's property for the purpose of utilizing a 200 foot by 300 foot staging area and existing office trailer and electric generator for the temporary storage of materials and equipment and the pre-fabrication and associated work and access to Long Island Power Authority ("LIPA") transmission lies contiguous to the eastern property line of the site.

Brookhaven has no objection to KeySpan utilizing the site for this temporary purpose, provided that KeySpan and its affiliates have obtained all applicable state and local permits, that the construction and activities in question are strictly limited to this temporary purpose, and that no rail related construction occurs that would violate the Board's October 12, 2007 Cease and Desist Order.

Please call me should you have any further questions.

Very truly yours,


Mark A. Cuthbertson

MAC:djf

cc: John D. Heffner, Esq.
James H. M. Savage, Esq.
Karen M. Wilutis, Esq.