

Karl Morell & Associates
440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

August 11, 2017

244098

E-Filed

ENTERED
Office of Proceedings
August 11, 2017
Part of
Public Record

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: Docket No. AB 6 (Sub-No. 495X), BNSF Railway Company --
Abandonment Exemption -- in Flathead County, Montana

Dear Ms. Brown:

This is in response to the letter filed yesterday by CHS Inc., asking the Board to delay its decision in this proceeding, attached.

BNSF Railway Company ("BNSF") has no intention of consummating the abandonment in this proceeding unless and until CHS Inc., and Northwest Drywall & Building Supply have been relocated. Consequently, rather than delaying the decision in this proceeding, BNSF suggests that the Board grant the abandonment with the condition that BNSF not consummate until after the two shippers have been relocated.

If you have any questions, please call me.

Sincerely,



Karl Morell

Attachment

cc: Mark D. Lalum
Doug Russell

Cynthia Brown
August 11, 2017
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CERTIFICATE OF SERVICE

I hereby certify that on the day August 11, 2017, I caused a copy of the attached letter dated August 11, 2017 to be served by first-class mail, postage prepaid, and by facsimile upon all parties of record in this case as follows: CHS Inc. (Mark D. Lalum) and City of Kalispell (Doug Russell and Katherine Thompson).



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AB 6 (Sub-No. 495X)

244089

P.O. Box 579
150 1st Avenue WN
Kalispell, MT
59903
406-755-7400
Fax 406-755-7478

Ms. Cynthia Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

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July 20, 2017

Re: BNSF Abandonment of Rail Line in the City of Kalispell

Dear Ms. Brown

I want to give you an update regarding CHS Inc.'s letter of conditional support dated April 20, 2017 in response to BNSF's Petition for Exemption to abandon the line of railroad extending from Milepost 1225.19 on the north end of the City of Kalispell, Montana, to Milepost 1227.58 on the south and Milepost 1227.10 to the west (the "Track").

In our April 20, 2017 letter, we stated that we expected to have agreements in place by June 30, 2017 when our final construction costs would be known so that we could relocate our existing downtown Kalispell facility and operations to a new rail industrial park, located outside of downtown Kalispell ("New Rail Park"). Once these agreements were in place, we would be able to provide an unconditional statement of support for the abandonment of the Track.

Unfortunately, on June 30, 2017, we received updated bids from contractors showing construction costs for the relocation that had increased beyond our expectations. Because of these increased construction costs, we experienced delays in arriving at final terms with the Flathead County Economic Development Authority (FCEDA) for the relocation. I'm sure you can understand that until we have a final agreements in place to support our relocation, we cannot provide an unconditional statement of support regarding the abandonment of the Track servicing our existing facility in Kalispell.

CHS is committed to doing everything within our power to help make our relocation happen; however, we need to have a business that is financially solvent, which is contingent upon receiving a financial commitment from FCEDA. We hope to reach a final agreement with FCEDA within the next 30 to 60 days. We request that the Surface Transportation Board defer its decision on BNSF's Petition for Exemption to abandon the Track until we are able to provide you with our decision whether or not we will proceed with relocating our existing facility operations to the New Rail Park.

Sincerely,

CHS INC.


Mark D. Lalum
Assistant General Manager
Mountain West Cooperative
Kalispell, Montana



P.O. Box 579
150 1st Avenue WN
Kalispell, MT
59903
406-755-7400
Fax 406-755-7478

August 10, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this day August 10, 2017, I caused a copy of the attached letter dated July 20, 2017 to be served by first-class mail, postage prepaid, emailed or hand delivered upon all parties of record in this case as follows: STB (Kenyatta Clay and Jeffry Herzig), emailed City of Kalispell, Katherine Thompson, hand delivered, and BNSF, Karl Morell, emailed.

This letter requests an extension of the abandonment decision due to inability of FCEDA and CHS to reach final financial and terms agreements until those agreements can be completed.

A handwritten signature in blue ink, appearing to read "Mark Lalum".

Mark Lalum
mark.lalum@chsinc.com
Assistant General Manager
CHS Mountain West Coop
Box 579
Kalispell, Montana 59903