

BEFORE THE SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34917

PIONEER INDUSTRIAL RAILWAY CO.
-ALTERNATIVE RAIL SERVICE-
CENTRAL ILLINOIS RAILROAD COMPANY

MOTION TO STRIKE

Daniel A. LaKemper
General Counsel
Pioneer Industrial Railway Co.
1318 S. Johanson Road
Peoria, Illinois 61607
Tel.: (309) 697-1400

Dated: November 22, 2006.

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NOW COMES the PIONEER INDUSTRIAL RAILWAY CO. ("PIRY") and hereby respectfully moves that the Board strike the letter of Attorney Thomas F. McFarland, filed in this proceeding on or about November 6, 2006, and in support, states as follows:

The letter contains unverified hearsay attributed to Mr. John A. Darling, who purports to be the President of Central Illinois Railroad Company ("CIRY").

The City of Peoria, and its accomplice, CIRY, have repeatedly proven their lack of credibility in this proceeding.

Mr. Darling's alleged statements, in the case of point number 5, in particular, make untrue and unsubstantiated accusations against Carver Lumber Company. The Board will recall that previous filings by these parties have made preposterous "conspiracy" allegations against PIRY.

The letter purports to respond to Carver's letter of October 17, 2006, the time for which response was due October 27, 2006.

The Board should not give any weight to late-filed, unverified hearsay and unsubstantiated accusations by a party with a proven lack of credibility.

WHEREFORE, PIRY respectfully requests that the Board strike the letter of November 6, 2006 from the record in this proceeding.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel A. LaKemper".

Daniel A. LaKemper, Esq.
General Counsel
Pioneer Industrial Railway Co.
1318 S. Johanson Road
Peoria, Illinois 61607
Tel.: (309) 697-1400

CERTIFICATE OF SERVICE

I certify that on November 22, 2006, I served the foregoing by electronic transmission, if e-mail was unavailable, by United States Mail, postage fully prepaid, on each of the parties of record, at their address as disclosed by the filings of record in the above-referenced proceedings.

A handwritten signature in cursive script, appearing to read "Daniel A. LaKemper".

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General Counsel
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