

VERRILL
&
DANA^{LLP}
Attorneys at Law

DANIEL L. ROSENTHAL
drosenthal@verrilldana.com
Direct Dial: 207-253-4622
Direct Fax: 207-253-4623

ONE PORTLAND SQUARE
PORTLAND, MAINE 04112-0586
207-774-4000 • FAX 207-774-7499

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July 9, 2003

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BY FEDERAL EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 700
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 33989 - - Pejepscot Industrial Park d/b/a Grimmel
Industries - Petition for Declaratory Order

Dear Secretary Williams:

Enclosed please find the original Verified Statement of Timothy J. Garrity. We filed a facsimile version in support of the Opposition of Pejepscot Industrial Park Inc., d/b/a Grimmel Industries, Inc. to the Petition for Reconsideration of Respondents Maine Central Railroad Company, Springfield Terminal Railway Co. and Guilford Transportation Industries. In the interim, the original executed signature page was misplaced.

Mr. Garrity has accordingly executed the verified statement again, with no change to its substance, and I enclose it for filing.

Please do not hesitate to contact me if you have any questions or need any additional information.

Very truly yours,

Daniel L. Rosenthal

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Office of Proceedings

JUL 10 2003

Part of
Public Record

DLR:sms

Enclosure

cc: Timothy J. Garrity
Service List

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 33989

**PEJEPSCOT INDUSTRIAL PARK, INC.
d/b/a/ GRIMMEL INDUSTRIES -
DECLARATORY ORDER**

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VERIFIED STATEMENT OF TIMOTHY J. GARRITY

Pursuant to 28 U.S.C. § 1746 and 49 C.F.R. § 1104.5, Timothy J. Garrity states as follows:

1. I am the General Manager of Pejepscot Industrial Park, Inc. d/b/a Grimmel Industries, Inc. ("Grimmel"). I repeat and incorporate herein my verified statements dated September 18, 1999 and May 1, 2001, previously submitted in this matter.
2. I have reviewed the Petition for Reconsideration of Respondents Maine Central Railroad Company, Springfield Terminal Railway Co. and Guilford Transportation Industries, Inc. (collectively "Guilford"), as well as the accompanying Verified Statement of Kenneth Berg.
3. Grimmel's June 18, 1996 and Spring 1997 requests for rates were not the only requests for service for carriage of automobile shredder residue ("ASR") that Grimmel made. In fact Grimmel made frequent requests for rates for carriage of ASR as well as scrap metal, spanning the entire history of the relationship between Grimmel and Guilford as is described in Grimmel's previous filings in this matter. In the period leading up to Guilford's attempt to abandon the Lewiston lower I was on the telephone with Guilford repeatedly asking for service or abandonment of the line. As mentioned in

my May 1, 2001 verified statement, I talked to a number of different individuals at Guilford regarding rates and service, dealing primarily with Colin Pease, Richard Willey or Robert Farley -- not Kenneth Berg.

4. I understand that Guilford is now asserting that it provided Grimmel with a rate quote in May 1997, but that Grimmel did not accept the quote. That is incorrect. In fact, Grimmel never refused a rate quote from Guilford, and as described in my previous verified statements, Grimmel accepted this particular quote (\$600) even though it was high, because it still represented the most economical and efficient way of obtaining service.

5. I also understand that Guilford is now asserting that Grimmel would not have been able to avail itself of Guilford's service with respect to the May 1997 quote discussed above, because the necessary rail cars would not be readily available. That is incorrect. In fact, the necessary rail cars are easily obtainable by lease from a number of different sources and I do not believe that, had Guilford agreed to provide service, Grimmel would have had any difficulty in obtaining them.

6. I also understand that Guilford is now asserting that Grimmel would not have been able to avail itself of Guilford's service with respect to the May 1997 quote discussed above, because Grimmel would not have been able to obtain prior approval to dump ASR at an approved site. That is incorrect. In fact, while Grimmel had never shipped ASR to the site identified in that quote before, Grimmel had shipped ASR to other sites in Ohio and never had a problem obtaining prior approval. Based on the lack of any such problems with any other site in Ohio, I do not believe that, had Guilford

agreed to provide service, Grimmel would have had any difficulty in obtaining prior approval.

7. Moreover, a document that Guilford has submitted in connection with its Petition for Reconsideration confirms that there would not have been any problem with obtaining prior approval to dump ASR at the subject site. Exhibit B to the Verified Statement of Kenneth Berg, submitted in support of the Petition for Reconsideration, is a form documenting John Black of Grimmel's May 22, 1997 rate request for shipment of ASR. The form contains the following handwritten notation among others:

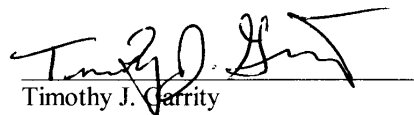
Prolerizer

Tried ➔

Was successful

Prolerizer is a competitor of Grimmel's, engaging in similar activities, e.g., shipment and dumping of ASR. The notation, "tried ➔", followed by "[w]as successful" on the next line, indicates to me that Prolerizer tried to ship ASR to the subject destination and was successful in doing so.

I, Timothy J. Garrity, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Statement. Executed on June 23rd, 2003.


Timothy J. Garrity

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 33989

**PEJEPSCOT INDUSTRIAL PARK, INC.
d/b/a GRIMMEL INDUSTRIES -
PETITION FOR DECLARATORY ORDER**

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CERTIFICATE OF SERVICE

I, Daniel L. Rosenthal, attorney for Pejepscot Industrial Park, Inc., d/b/a Grimmel Industries, hereby certify that I made service of one copy of the original Verified Statement of Timothy J. Garrity by causing a copy of the same to be deposited in the United States mail, postage prepaid, first class mail on July 9, 2003, addressed to counsel of record as follows:

National Park Service
Land Resources Division
1100 Ohio Drive, Room 107
Washington, DC 20242
Attn: Joyce

David Sherman, Chief of Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090

National Park Service
Recreation Resources Assistance Division
1100 Ohio Drive, Room 107
Washington, DC 20242
Attn: Joyce

William N. Laflamme
Dept. of Environmental Protection
Div. of Watershed Management
Bureau of Land & Water
Quality Control
State House Station 17
Augusta, ME 04333-0017

Michael Bartlett, Supervisor
New England Field Office
U.S. Dept. of the Interior
Fish and Wildlife Service
70 Commercial Street
Suite 300
Concord, NH 03301

Gary Plummer, Chairman
Cumberland County Commissioners
142 Federal Street
Portland, ME 04101

Elizabeth Higgins Congram, Assistant Director
Office of Environmental Review
U.S. EPA Region I Office
John F. Kennedy Building
One Congress Street, Room 2203
Boston, MA 02203

Earle G. Settleworth, Jr., Director
Historic Preservation Office
Maine Historic Preservation Commission
55 Capitol Street, Station 65
Augusta, ME 04333-0065

H. Duke Niebur, Senior Civil Engineer
Railroads for National Defense Program
Department of the Army
Military Traffic Mgmt. Commission
Transportation Engineering Agency
720 Thimble Shoals Boulevard
Newport News, VA 23606

David Keeley
State Single Point Contact
State Planning Office Executive
State House Station 38
Augusta, ME 04333

U.S. Army Corps of Engineers, NE District
696 Virginia Road
Concord, MA 01742-2751

Eric L. Hirschhorn
Winston & Strawn
1400 L Street, N.W.
Washington, D.C. 20005-3502

Laura Taylor
Coastal Program Manager
State Planning Office
State House Station #38
Augusta, ME 04333

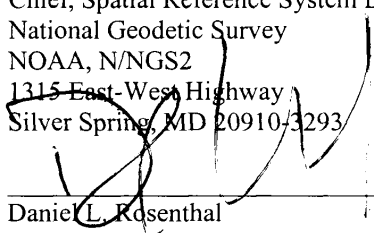
Russell Collett, State Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
967 Illinois Avenue
Suite 3
Bangor, ME 04401

Robert B. Culliford, Esq.
Law Department
Iron Horse Park
North Billerica, MA 01862

James E. Smith, Chief Counsel
Maine Department of Transportation
State House Station 16
Augusta, ME 04333-0016

Kevin M. Sheys
Kirkpatrick & Lockhart LLP
1800 Massachusetts Ave., NW
Second Floor
Washington, DC 20036-1800

Edward J. McKay
Chief, Spatial Reference System Div.
National Geodetic Survey
NOAA, N/NGS2
1315 East-West Highway
Silver Spring, MD 20910-3293


Daniel L. Rosenthal

Dated: July 9, 2003