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September 29, 2005

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Office of Proceedings

SEP 29 2005

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Public Record

Via Hand Delivery

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

**Re: Holrail LLC – Construction and Operation Exemption – In
 Orangeburg and Dorchester Counties, SC, STB Docket No. 34421; and
 Holrail LLC – Petition for Crossing Authority Under 49 USC
 10901(d), STB Docket No. 34421 (Sub – No. 1)**

Dear Secretary Williams:

Please accept for filing in the above docket the Motion of AmerenEnergy Fuels and Services, Arkansas Electric Cooperative Corp., and Dominion Resources for Leave to File Joint Statement as *Amicus Curiae* ("Motion"), as well as the attached Joint Statement. An original and 10 copies of each filing are included. Electronic copies of the Motion and Joint Statement are also found on the three CDs enclosed with this filing.

One extra paper copy of each filing is included for stamping and return to this office. If there are any questions concerning this matter, please contact the undersigned at 202-274-2809.

Sincerely,

David E. Benz
Counsel for Supporting Shippers

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



STB Finance Docket No. 34421-214775

HOLRAIL LLC – CONSTRUCTION AND OPERATION EXEMPTION – IN ORANGEBURG
AND DORCHESTER COUNTIES, SC

STB Finance Docket No. 34421 (Sub – No. 1)

-214776

HOLRAIL LLC – PETITION FOR CROSSING AUTHORITY UNDER 49 U.S.C. 10901(d)

**MOTION OF AMEREN ENERGY FUELS AND SERVICES, ARKANSAS ELECTRIC
COOPERATIVE CORP., and DOMINION RESOURCES FOR LEAVE TO FILE
JOINT STATEMENT AS *AMICUS CURIAE***

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September 29, 2005

**MOTION OF AMEREN ENERGY FUELS AND SERVICES, ARKANSAS ELECTRIC
COOPERATIVE CORP., and DOMINION RESOURCES FOR LEAVE TO FILE
JOINT STATEMENT AS *AMICUS CURIAE***

AmerenEnergy Fuels and Services, Arkansas Electric Cooperative Corp., and Dominion Resources (“Supporting Shippers”) respectfully move for leave to file the accompanying Joint Statement as *amicus curiae* in support of the Petition for Crossing Authority and Supplemental Evidence in Support of Petition for Exemption filed by Holrail LLC. In support of this Motion, Supporting Shippers respectfully state as follows:

The Supporting Shippers own and operate coal-fired generation plants that are dependent on rail service for transportation of coal. Some of their generation plants are served by only a single railroad. Under present law and policy, in order to create rail transportation options for themselves in such a situation, rail shippers such as the Supporting Shippers must construct a new rail line to a competing railroad. This is an expensive and difficult process in most cases, and may require the involvement of the Board. The construction and operation of a new rail line can also have impacts on the environment and local communities.

The accompanying Joint Statement is offered by Supporting Shippers to reinforce the point made by Holrail in its Petition that existing Board standards and precedent are sufficient to evaluate and, ultimately, permit the crossing petition and exemption sought by Holrail in this case. The placement of a new line of rail within an existing but unused rail right-of-way is good public policy, and proposals such as Holrail’s can and should be evaluated by the Board under the standards developed under 49 U.S.C. § 10901(d) and other relevant rules and policies. The Joint Statement does not expand the scope of issues considered by the Board in this proceeding, nor will it prejudice the legal rights of Holrail or any other person.

CONCLUSION

For the foregoing reasons, Supporting Shippers move for leave to file their Joint Statement as *amicus curiae*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David E. Benz".

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September 29, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September 2005, I have served a copy of the foregoing Motion of AmerenEnergy Fuels and Services, Arkansas Electric Cooperative Corp., and Dominion Resources for Leave to File Joint Statement as *Amicus Curiae* by hand delivery upon counsel for the parties at the following addresses:



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