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June 18, 2019

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
June 18, 2019
Part of
Public Record

Re: **Docket No. FD 36293**
Midwestern Railway Services, Corporation – Operation
Exemption – Perry County Port Authority

Docket No. FD 36294
TNW Corporation – Continuance in Control Exemption –
Midwestern Railway Services, Corporation

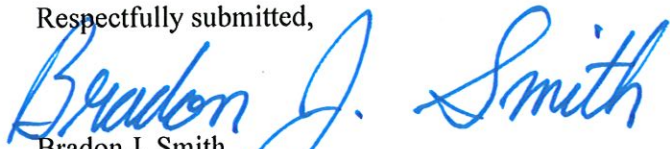
Request to Withdraw Notices of Exemption

Dear Ms. Brown:

Midwestern Railway Services, Corporation (“MRS”) and TNW Corporation (“TNW”) request to withdraw their respective notices of exemption in the above-captioned proceedings.

MRS has reached an impasse with the Perry County Port Authority (Ind.) and terminated negotiation of the agreements necessary for MRS to consummate common carrier operations on the subject rail line. Because the authority of the Board is permissive and cannot be lawfully acted upon without the necessary underlying agreements, a Board order permitting withdrawal of the notices and discontinuing these proceedings is appropriate where MRS no longer intends to undertake the proposed transaction. See e.g., Sierra Northern Railway – Acquisition and Operation Exemption – Union Pacific Railroad Company, Docket No. FD 35490 (STB served Feb. 15, 2012).

Respectfully submitted,



Bradon J. Smith
Attorney for Midwestern Railway Services, Corporation
and TNW Corporation

cc: All Parties of Record