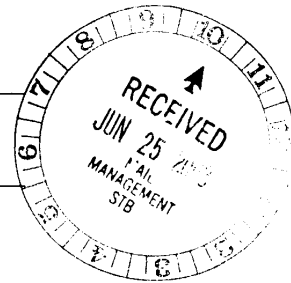


208192

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO. 33989**

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



**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 23, 2003.

  
Timothy J. Garrity