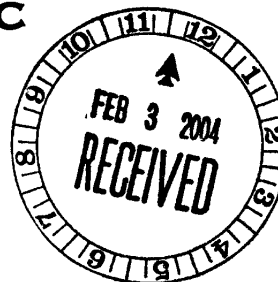


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210005

February 3, 2004

BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

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Office of Proceedings
FEB - 3 2004
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Public Record

**RE: Notice of Consummation -- *Central Michigan Railway Company --
Abandonment Exemption -- In Saginaw County, MI, Docket AB-308*
(Sub-No. 3X)**

Dear Secretary Williams:

In accordance with 49 C.F.R. § 1152.29(e)(2), this is to advise the Surface Transportation Board ("STB" or "Board") that as of December 15, 2003, the Central Michigan Railway Company ("CMR") consummated the abandonment of its line of railroad that was the subject of the above proceeding and for which abandonment authority was authorized in a decision served on October 23, 2003 ("Decision"). On December 15, 2003, CMR cancelled its tariffs covering service on the line, vacated the property, and transferred the property to the State of Michigan's Department of Transportation ("MDOT"). Consummation on that date was requested by MDOT in order to facilitate MDOT's highway project. As a part of that highway project, MDOT is responsible for arranging for the salvage of the tracks, ties, and other track materials and for the demolition of the bridge.

The Board's Decision contained a condition that CMR provide Plastatech Engineering Ltd. ("Plastatech") with a transload service and to compensate Plastatech for its recent investment in facilities used to receive direct rail shipments from CMR. Effective December 15, CMR established a transload service for the benefit of Plastatech. This transload service was

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transferred to Huron & Eastern Railway Company ("HESR") as a result of HESR's purchase of the assets of the CMR.¹ HESR now provides the transload service which Plastatech utilizes.

CMR and Plastatech continue to negotiate over the exact amount of compensation due to Plastatech for its investment in its rail facilities and if the parties cannot reach an agreement, the issue may have to be submitted to the Board. CMR and Plastatech are in a disagreement over the length of time CMR (now HESR) is required to provide a \$200 per rail car allowance/rebate as part of the transload operation. The issue is currently in front of the Board and the parties are awaiting a decision.

An original and eleven copies are enclosed. Please date and time stamp one of the copies and return it to our courier. Copies of this letter will be served by first-class mail upon all parties of record. Please do not hesitate to contact me directly if you have any questions.

Sincerely,



William A. Mullins

cc: All Parties of Record
Rail Services Update
Louis E. Gitomer, Attorney for HESR

¹ See F.D. No. 34438, *Huron & Eastern Railway Company, Inc. – Acquisition And Operation Exemption – Central Michigan Railway Company*.
