

WESTERN CAROLINA RAILWAY SERVICE

C O R P O R A T I O N

Post Office Box 16614, Greenville, South Carolina 29606 - 7614

November 2, 2005

ORIGINAL

By Electronic Filing

Mr. Vernon A. Williams,
Secretary
Surface Transportation Board
1925 K Street, NW, Suite 700
Washington, DC 20423-0001

Re: STB Docket No. AB-490-1-X
Greenville County Economic Development Corporation
Petition for Exemption for Partial Discontinuance and Partial Abandonment
In Greenville County, SC

Secretary Williams:

Please find attached for filing two documents in STB Docket No. AB-490-1-X, *Greenville County Economic Development Corporation Petition for Exemption for Partial Discontinuance and Partial Abandonment in Greenville County, SC*. Attachment 1 is a 5-page fax (1 cover page, 3 data pages, 1 confirmation page) and Attachment 2 is a Certificate of Service for Attachment 1.

For the record, Western Carolina Railway Service Corporation ("WCRS") wishes to document that it has thus far been unable to determine how or when Greenville County Economic Development Corporation intends to institute negotiations with WCRS in accordance with the Board's October 27 decision (STB File No. 36382) in the above captioned proceeding.

Should you have any questions or concerns regarding this filing, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerest regards,



Steven C. Hawkins,
President

Attachments

WESTERN CAROLINA RAILWAY SERVICE

C O R P O R A T I O N

FAX COVER SHEET

STEVEN C. HAWKINS
PRESIDENT
POST OFFICE BOX 16614
GREENVILLE, SC 29606-7614

CELLULAR 864 • 905 • 2974

OFFICE 864 • 895 • 3757

FAX 864 • 895 • 3769

E-MAIL STEVEN.HAWKINS@WCRSCORP.COM

PLEASE DELIVER THE FOLLOWING FAX TO: Andrew J. White, Jr.

COMPANY: Haynsworth Sinkler Boyd, PA

MESSAGE: CONFIDENTIAL

DATE: November 2, 2005

FAX: 864-240-3300

TOTAL OF 4 PAGES TRANSMITTED, INCLUDING THIS COVER SHEET

Wed, Nov 2, 2005 2:58 PM

Hawkins, Steven C.**Subject: Re: Negotiation****Date:** Wednesday, November 2, 2005 2:58 PM**From:** Steven C. Hawkins <steven.hawkins@wcrscorp.com>**To:** "White, Andy" <awhite@hsblawfirm.com>**Cc:** "WMullins@bakerandmilller.com" <WMullins@bakerandmilller.com>, "DReeves@bakerandmilller.com" <DReeves@bakerandmilller.com>**Conversation:** Negotiation**BY U.S. FIRST CLASS MAIL, ELECTRONIC MAIL AND FACSIMILE (864-240-3300)**

Mr. White:

I have not been contacted by GCEDC nor have I received any response to my message of October 31 (below) with regard to the institution of negotiations with GCEDC since the Board's decision of October 27. I am sure you are aware of WCRS's pending offer of **\$46,268...** It is now up to GCEDC to begin negotiating in good faith.

Please advise how and when GCEDC intends to proceed with negotiations.

Sincerest regards,

Steven C. Hawkins,
PresidentWestern Carolina Railway Service Corporation
Post Office Box 16614
Greenville, South Carolina 29606 – 7614864-905-2974 Cellular
864-895-3757 Office
864-895-3769 FaxVisit us on the web at: **www.wcrscorp.com**

This e-mail is intended for the addressed recipient only. Content therein is considered confidential and is not to be printed, copied, forwarded, or discussed without the expressed written consent of Western Carolina Railway Service Corporation.

From: "Steven C. Hawkins" <steven.hawkins@wcrscorp.com>
Date: Mon, 31 Oct 2005 15:00:39 -0500

To: "White, Andy" <awhite@hsblawfirm.com>
Cc: "WMullins@bakerandmiller.com" <WMullins@bakerandmiller.com>, "DReeves@bakerandmiller.com" <DReeves@bakerandmiller.com>
Conversation: Negotiation
Subject: Negotiation

BY ELECTRONIC MAIL AND FACSIMILE (864-240-3300)

Mr. White:

Good afternoon.

I am writing today to advise Greenville County Economic Development Corporation that Western Carolina Railway Service Corporation is prepared to begin negotiations to consummate the sale of the 11.8 mile GCEDC-owned rail line. In accordance with the Board's October 27 decision, we have until November 16 to arrive at a mutually agreeable price or for either party to ask the Board to set the terms. Please be advised that 1) WCRS is prepared to negotiate in good faith with GCEDC and 2) WCRS is prepared to request that the Board set the terms should we be unable to reach an agreeable price.

Please be further advised that WCRS is prepared to work with GCEDC to give the consummation of this transaction the best public face possible... If we can agree on terms without the Board's intervention, all that would be required is a filing with the Board (by GCEDC) stating that we have entered into an agreement, which would result in the Board vacating AB-490-1-X, and allowing the balance of the transaction to be off the national Public Record. Further, WCRS is agreeable to executing a nondisclosure agreement with GCEDC to protect GCEDC's interest.

As stated in our OFA filed with the Board October 3, WCRS's offer price is **\$46,268**.

Please advise how and when GCEDC desires to proceed with negotiations.

Sincerest regards,

Steven C. Hawkins,
President

Western Carolina Railway Service Corporation
Post Office Box 16614
Greenville, South Carolina 29606 – 7614

864-905-2974 Cellular
864-895-3757 Office

864-895-3769 Fax

Visit us on the web at: **www.wcrscorp.com**

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hp officejet 7110
printer/fax/scanner/copier

Fax-History Report for
Western Carolina
864 895 3769
Nov 02 2005 4:05pm

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 2	4:03pm	Fax Sent	2403300	1:14	4	OK

Attachment 2

I hereby certify that on this 2nd day of November 2005, a copy of the foregoing document and all related attachments were served by:

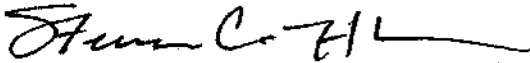
- 1) United States Postal Service First Class Mail, postage fully pre-paid, upon:

William A. Mullins,
Baker & Miller, PLLC
2401 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20037-1725

David C. Reeves,
Baker & Miller, PLLC
2401 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20037-1725

- 2) E-mail, Fax, and United States Postal Service First Class Mail, Certified Article No. 7003 1010 0000 8871 5308, Return Receipt Requested, postage fully pre-paid, upon:

Andrew J. White, Jr.
Haynsworth Sinkler Boyd, PA
75 Beattie Place, Suite 1100
Greenville, SC 29601-2119



Steven C. Hawkins,
President
Western Carolina Railway Service Corporation
Post Office Box 16614
Greenville, SC 29606-7614

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steven.hawkins@wcrscorp.com