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February 18, 2011

Via E-mail (dpu.efiling@state.ma.us) and By Hand

Mark D. Marini, Secretary Department of Public Utilities One South Station Boston, MA 02110

Re: Petition of CSX Transportation, Inc. for Authority to Acquire

Property by Eminent Domain Pursuant to Mass. Gen. Laws Ch. 160, § 83

D.P.U. 10-102

Dear Mr. Marini:

Enclosed for filing in connection with the referenced matter, please find an original and three (3) paper copies of a Notice of Withdrawal of Petition of CSX Transportation, Inc. for Authority to Acquire Property by Eminent Domain.

Please let me know if you have any questions.

Respectfully,

Michael T. Maroney

MTM/mal Enclosures

cc:

Service List w/Enclosure

COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 10-102

Petition of CSX Transportation, Inc. for Authority to Acquire Property by Eminent Domain Pursuant to Mass. Gen. Laws Ch. 160, § 83

NOTICE OF WITHDRAWAL OF PETITION OF CSX TRANSPORTATION, INC. FOR AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN

Pursuant to 220 C.M.R. 1.04(4)(a) of this Department's Rules of Practice and Procedure, petitioner CSX Transportation, Inc. ("CSXT"), hereby provides notice of withdrawal of its Petition for Authority to Acquire Property by Eminent Domain Pursuant to Mass. Gen. Laws Ch. 160, § 83 with respect to certain property located at 310 Franklin Street, Worcester, Massachusetts owned by Chas-Fran Corporation pursuant to a deed dated September 17, 1991 recorded in Book 13647, Page 92 in the Worcester District Registry of Deeds (the "Property"). As grounds therefor, CSXT states as follows:

- 1. On August 12, 2010, CSXT filed its Petition with the Department, which was docketed as D.P.U. 10-102.
- 2. On February 17, 2011, CSXT was able to acquire the Property by agreement with the owner.
- 3. Accordingly, CSXT no longer requires authority to exercise eminent domain over the Property.

Respectfully submitted,

CSX TRANSPORTATION, INC.,

By its attorneys,

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Dated: February 18, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 2011, in accordance with the requirements of 220 CMR 1.05(1) (Department's Rules of Practice and Procedure), a true and correct copy of the foregoing document has been sent by hand delivery to the Department and first-class mail to the persons listed on the attached Service List.

Michael T. Maroney

Petitions of CSX Transportation. Inc. for authority to take by eminent domain certain land in Worcester. MA pursuant to G.L. c. 160. §83 and Petition by Leroy & Co. Inc. to change location of taking relative to land at 567 Franklin Street pursuant to G.L. c. 160, § 81.

SERVICE LIST December 10, 2010

<u>DEPARTMENT</u> [file: original; 3 paper copies; and 1 electronic copy]

Mark Marini, Secretary [original and 3 paper copies]
Department of Public Utilities
One South Station

Boston, MA 02110 Phone: (617)305-3500 Fax: (617)345-9101

dpu.efiling@state.ma.us

[electronic copy]

PETITIONER

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[1 paper copy]

FOR: CSX Transportation, Inc.

PETITIONER/INTERVENOR

ebassett@mirickoconnell.com

Edward C. Bassett, Jr., Esq. Mirick, O'Connell, DeMallie & Lougee, LLP 1700 West Park Drive Westborough, MA 01581-3941 Phone:(508) 898-1501 Fax:(508) 898-1502

[1 paper copy]

FOR: Leroy & Co., Inc., Owner 567 Franklin Street [D.P.U. 10-104 and D.P.U. 10-110]

INTERVENORS

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LIMITED PARTICIPANTS

Jo Hart

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[1 paper copy to each]

FOR: Ding On Kwan, Trustee

CD Realty Trust

255 and 320 Franklin Street

[D.P.U. 10-101]

FOR: Chas-Fran Corporation

310 Franklin St.

[D.P.U. 10-102]

FOR: Anthony Mattero 351 Franklin Street [D.P.U. 10-103]

[1 paper copy to each]

FOR: Jo Hart

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