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October 16, 2019

Via E-Mail

William Brennan, Ph.D.
Director
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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Office of Proceedings
October 16, 2019
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Re: Dockets No. EP 722, EP 761; Request for workpapers and data related to the Rate Increase Constraint proposal

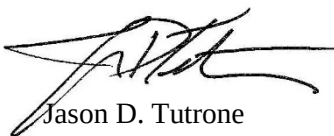
Dear Dr. Brennan:

The American Chemistry Counsel, Corn Refiners Association, and The Fertilizer Institute (the "Associations") respectfully request the workpapers and related waybill data the Board's Rate Reform Task Force (RRTF) used to generate tables 5, 6, and 7 of its April 15, 2019, report (the "Report"). The Associations intend to use these items to develop testimony for the Board's December 12, 2019, hearing on revenue adequacy in the above-referenced dockets. The Associations also ask that the requested workpapers and data be released to their counsel, Thompson Hine LLP, and consultants, L.E. Peabody & Associates, Inc., subject to the confidentiality restrictions in 49 C.F.R. § 1244.9.

On September 12, 2019, the Board issued a Notice of Public Hearing in the above-referenced dockets inviting interested persons to participate in a December 12, 2019, hearing on revenue-adequacy issues raised in the Report. The Notice specifically requests written testimony and public submissions addressing the Rate Increase Constraint that the RRTF recommends in the Report. Tables 5, 6, and 7 of the Report contain illustrations of the Rate Increase Constraint for three Class I railroads. The requested workpapers and waybill data are the sole source known to the Associations of the data in the Tables and, thus, are necessary for the Associations to prepare testimony addressing the Rate Increase Constraint.

The scope and purpose of this request matches the October 9, 2019, request to you by the Association of American Railroads (AAR) for workpapers and waybill data related to the Rate Increase Constraint. The requested workpapers include those supporting the following calculations for each Class I carrier in the tables illustrating the Rate Increase Constraint: (1) the "average annual real surplus;" (2) the allocation of the surplus "among the various categories;" and (3) the resulting R/VC figures for each category.

Very truly yours,



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