

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36471

ENTERED
Office of Proceedings
January 13, 2021
Part of
Public Record

COLORADO, MIDLAND & PACIFIC RAILWAY COMPANY
--LEASE AND OPERATION EXEMPTION CONTAINING INTERCHANGE
COMMITMENT--
UNION PACIFIC RAILROAD COMPANY

REPLY TO MOTION FOR ACCESS TO CONFIDENTIAL DOCUMENTS

Colorado Midland & Pacific Railway Company (“CMP”) hereby replies in opposition to the Motion For Access To Confidential Documents filed by Colorado Pacific Railroad, LLC and KCVN, LLC on January 8, 2021. CP and KCVN (collectively “CP”) are not potential shippers on the rail line being leased by CMP from Union Pacific Railroad (UP) but rather competitors of CMP in seeking to lease or acquire that rail line. As the Surface Transportation Board (Board) well knows, CP attempted to expropriate the rail line in Finance Docket No. 36386, *KCVN, LLC and Colorado Pacific Railroad, LLC – Feeder Line Application – Line of Union Pacific Railroad Company Located in Pueblo, Fremont, Chaffee, Lake and Eagle Counties, Colo.*

CP is not seeking access to the lease agreement between CMP and UP to assess the interchange commitment but rather to see the terms CMP was able to negotiate with UP for the lease of the line. The Board should not allow a party such as CP to use the Board’s good offices to interfere with parties private negotiations. CMP has spent years negotiating with UP the terms and conditions for reopening the line. CP should not have access to the agreement finally reached so that it can seek to acquire or lease the rail line. It is painfully obvious from the Motion to Reject

simultaneously filed with this Motion For Access, CP is attempting to have the Board deny CMP's lease of the line so that CP can again seek to lease or acquire the line.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karl Morell".

KARL MORELL
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Dated: January 13, 2021

All parties of record