

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
May 22, 2017
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Public Record

GREAT LAKES BASIN	)	
TRANSPORTATION, INC. –	)	FINANCE DOCUMENT
APPLICATION TO CONSTRUCT AND	)	NO. 35952
OPERATE A RAILROAD LINE	)	
IN WISCONSIN, ILLINOIS AND INDIANA	)	

**REQUEST FOR A WAIVER FROM THE SERVICE REQUIREMENTS FOR OUR
REPLY IN OPPOSITION TO MOTION FOR PROTECTIVE ORDER**

We hereby request a waiver from the service requirements for our Reply to the Motion for a Protective Order, in that, as not-for-profit organizations, the requirement would be too cumbersome and expensive, especially for Openlands, beyond the resources of our organizations.

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DATED: May 22, 2017

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**REPLY OF OPENLANDS AND SIERRA CLUB, ILLINOIS CHAPTER
IN OPPOSITION TO MOTION FOR PROTECTIVE ORDER**

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**REPLY OF OPENLANDS AND SIERRA CLUB, ILLINOIS CHAPTER
IN OPPOSITION TO MOTION FOR PROTECTIVE ORDER**

Openlands and Sierra Club, Illinois Chapter join the reply by Environmental Law and Policy Center, filed on Monday, May 22, 2017, in opposing the Great Lakes Basin Transportation, Inc.’s (“GLBT”) Motion for Protective Order. We respectfully request that the Surface Transportation Board (“STB”) deny the motion on three grounds:

**(1) GLBT SHOULD PUBLICLY DISCLOSE THE IDENTITY AND
HOLDINGS OF ITS TEN PRINCIPAL SHAREHOLDERS.**

GLBT failed to justify why the identity and affiliation of its ten principle shareholders is “highly confidential” and should be hidden from public view. This basic information is prescribed under 49 C.F.R. § 1150.3(f). None of the cases cited by GLBT demonstrate that the STB should nullify the effect of this requirement, or that the impact in this instance on GLBT or its principals would be so dire as to override the importance of sharing this information with the public.

It is vital for the public to understand who owns and controls the private company that is asking for permission to use eminent domain to take thousands of acres of private land from members of the public for a 200-foot wide easement to run up to six rail lines for 261 miles, and

the world's largest rail port. In addition to the magnitude of these takings, the huge new railroad and port facility would have other significant public impacts, ranging from serious delays to local traffic and emergency responses and potential threats to drinking water, to severe harm to regionally and nationally significant natural resources, such as the Kankakee River and neighboring state park.

(2) GLBT SHOULD DISCLOSE THE IDENTITY OF SPECIFIC CUSTOMERS AND POTENTIAL CUSTOMERS, AS REQUIRED BY LAW.

GLBT did not justify its request to consider the identification of specific or potential customers as “confidential information.” See Proposed Protective Order at 1. None of the cases cited to by GLBT support this exception. There is a reason that applicants are required by 49 C.F.R. § 1150.3 to publicly disclose this fundamental information. The public must understand the realistic extent that the rail carriers would use the new lines and port in order to meaningfully assess and comment on economic and operational factors as to whether there is an actual public convenience and necessity for the proposed rail project. If the railroads will not use the railway, then this either nullifies or dramatically reduces the need for and potential return on the project.

(3) NON-COMMERCIAL ORGANIZATIONS WITH IN-HOUSE COUNCIL SHOULD NOT BE BARRED FROM VIEWING “HIGHLY CONFIDENTIAL INFORMATION.”

In the event that the Surface Transportation Board finds any information required under 49 C.F.R. § 1150.3 to be “highly confidential,” prohibiting disclosure of such to in-house counsel, consultants and employees would inappropriately exclude Openlands and Sierra Club, who are public-interest non-commercial parties that rely upon in-house legal counsel. We respectfully request that, similar to cases cited to by Environmental Law and Policy Center in its

Reply, that any information classified as “highly confidential” be disclosable to in-house counsel with Openlands and Sierra Club.

In sum, we agree with Environmental Law and Policy Center that GLBT’s proposed Protective Order is unjustified and inappropriate, and incorporate by reference their stated reasoning.

Respectfully submitted,



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May 22, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have served all parties of record in this proceeding the foregoing Reply of Openlands and Sierra Club, Illinois Chapter in Opposition to Motion for Protective Order by United States mail this 22nd of May, 2017.



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