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Office of Proceedings
August 27, 2021
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August 27, 2021

RPUB-3

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: **Docket No. FD 36472**
CSX Corporation and CSX Transportation, Inc., et al. --
Control and Merger -- Pan Am Systems, Inc., et al.

Docket No. FD 36472 (Sub-No. 5)
Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern
Railroad -- Operation of Property of Another Rail Carrier --
Pan Am Southern LLC and Springfield Terminal Railway Company

Dear Ms. Brown:

Republic Services, Inc., ECDC Environmental, L.C. and Devens Recycling Center, LLC (collectively, "Republic") are parties of record in these proceedings, in which CSX Transportation, Inc. ("CSXT") proposes to acquire the Pan Am Railways, Inc. ("Pan Am") rail system, including Pan Am's ownership interest in Pan Am Southern LLC ("PAS"), and Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern Railroad proposes to assume operation of PAS. Republic has previously outlined its interests in the proposed transactions. See Republic Notice of Intent to Participate (RPUB-1) and Republic Comments on Proposed "Minor" Classification of Transaction and on Petition for Exemption (RPUB-2), both dated March 17, 2021.

Republic has been engaged in productive discussions with CSXT regarding the matters of interest to Republic. While Republic is prepared to submit comments today in accordance with the procedural schedule outlined in Decision No. 4 served on July 30, 2021, the parties believe that a brief additional period of time to allow a voluntary resolution of Republic's concerns is appropriate before Republic proceeds with its submission. Counsel for CSXT has thus indicated that CSXT will concur in any petition for leave to file Republic's comments by no

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later than Friday, September 3, 2021. See e-mail dated August 27, 2021 from Peter W. Denton, attached hereto.

This brief extension of time will accommodate the parties' ongoing efforts to reach a voluntary resolution of Republic's concerns, and will not prejudice any other party. Should the parties not reach agreement, Republic will file its comments and the consented-to petition for leave to file those comments by September 3, 2021.

I certify that a copy of this RPUB-3 letter filing has been served by electronic mail upon all parties of record in these proceedings. If you have any questions regarding this filing, please feel free to contact me.

Respectfully submitted,

/s/ *Janet H. Gilbert*

Janet H. Gilbert
Attorney for Republic Services, Inc., ECDC
Environmental, L.C. and Devens Recycling Center, LLC

JHG:tjl

Attachment

cc: Parties of Record

Thomas J. Litwiler

From: Denton, Peter <pdenton@Step toe.com>
Sent: Friday, August 27, 2021 6:00 PM
To: Thomas J. Litwiler; Janet H. Gilbert
Cc: LaRocca, Anthony
Subject: FD 36472 - Republic Petition for Leave

Janet and TJ,

This email confirms that my client CSX Transportation, Inc. will concur in Republic's petition for leave to file comments in the above-referenced proceedings by no later than Friday, September 3, 2021.

Thanks,
Peter

Peter W. Denton
Partner
pdenton@Step toe.com

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