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Office of Proceedings
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Cynthia Brown
Chief, Section of Administration
Surface Transportation Board Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: **Docket No. FD 36471**

TO WHOM IT MAY CONCERN:

The Colorado Midland and Pacific Railway (CMP) recently signed a lease agreement with Union Pacific to use the Tennessee Pass rail line, which runs through Browns Canyon National Monument. Simultaneously, CMP filed for an exemption from regulations that should apply to this lease and ensuing rail operations.

I believe that the proposed transaction is neither "routine" nor "noncontroversial" and, therefore, does not qualify for an exemption. Additionally, I believe statements in the CMP application are either false or misleading, which should disqualify the request for an exemption.

Examples include the CMP statement that there will be no change in service over the Tennessee Pass line. The Tennessee Pass line has been dormant for 24 years; therefore, any service on the line will be a significant change of service.

Also, CMP claims its revenues from operating the rail line would not exceed \$5 million per year, a limit beyond which the railway would be subject to additional regulation. Since operating costs alone would exceed \$5 million per year, I believe CMP's projected revenues are intentionally underestimated to avoid appropriate scrutiny and regulation.

Sincerely,



Barbara Tidd

cc: Parties of Record