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Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36347

**BESSEMER AND LAKE ERIE RAILROAD COMPANY
-ACQUISITION AND OPERATION-
CERTAIN RAIL LINES OF CSX TRANSPORTATION, INC. IN ONONDAGA,
OSWEGO, JEFFERSON, SAINT LAWRENCE, AND FRANKLIN COUNTIES, NY**

**VERIFIED STATEMENT
OF
GREG PILEWICZ**

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VERIFIED STATEMENT
OF
GREG PILEWICZ

My name is Greg Pilewicz, and I am the President of Attis Ethanol Fulton, LLC (Attis). I have been the President for approximately 1.5 years. I am making this Verified Statement on behalf of Attis to express our concerns about the proposed acquisition by Bessemer & Lake Erie Railroad Company (B&LE) of the "Fulton Branch" from CSX Transportation, Inc. (CSX).

This year, Attis acquired a corn ethanol plant and grain malting operations in Fulton, New York from Sunoco LP. The plant is located on the Fulton Branch, and CSX is the interline railroad that currently serves the plant. Attis's industrial plant switching is performed by Finger Lakes Railway Corp. (FGLK) under a multiyear contract.

At the Fulton plant we receive approximately 35 to 40 unit trains per year (approximately 3,600 carloads) of inbound corn. At this time, the corn all originates in the Midwest United States. We also ship outbound carloads of DDGs (about 1320 carloads), CO2 (about 1020 carloads) and a little corn oil (about 88 carloads) that are byproducts of our production process. At the present time, the destinations for our outbound carloads are all located in the United States. The inbound unit trains are handled by separate CSX crews. Based on the above, it is my

understanding that Attis is the largest shipper on the Fulton Subdivision. The outbound moves are handled by CSX from Fulton to Syracuse three days per week – Sunday, Tuesday and Thursday.

In discussions with CSX about the transaction, CSX would only commit to rates on inbound corn through September 30, 2020, and those commitments were subject to a total annual commitment, and 75% private cars. In general, we have been comfortable with our negotiations with CSX over rates; we have no experience negotiating with the new carrier that will be serving us, B&LE or its parent Canadian National. We are concerned that with the transaction another carrier and its revenue needs will be added to all of our moves. While our inbound corn moves will evidently be protected for a short time, we expect that the added carrier will mean added costs (higher freight rates) over time. Attis believes that CSX and B&LE should be required to provide shippers such as Attis that are going from one carrier to two carriers, a rate commitment of three years that such shippers will not suffer higher rates as a result of the transaction.

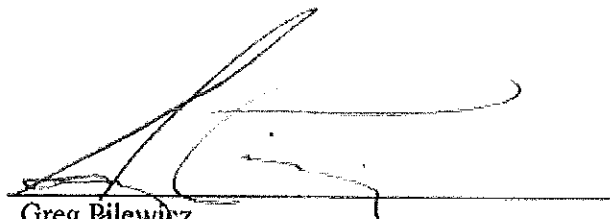
The proposed transaction will add another carrier into the mix of the handling of our traffic. Our Fulton plant will now be served by B&LE, and all of our inbound and outbound traffic with CSX will now have to be handled by both B&LE and CSX. We have concerns about the loss of any direct access to CSX, along with the concern that our current direct rail route and rail service option will no longer be available as a result of the proposed transaction. We have concerns about service in that our unit trains will no longer be handled direct, that there will need to be an interchange between CSX and B&LE along with a change of crews, and that this will add inefficiency and delays into our service. With outbound service there will also need to be an additional interchange of the traffic that could add delays.

Our industrial switching carrier FGLK, has a direct connection with CSX at the southern end of the Fulton Branch at Solvay Yard, a location very close to the CSX's Belle Isle Yard where CSX and B&LE propose to interchange our unit trains. We believe that Attis would be better served if FGLK were permitted to expand its switching services and allowed to handle our traffic between Fulton and CSX at Solvay and Belle Island Yard. Such service by FGLK would preserve CSX as our serving carrier for pricing purposes by eliminating the insertion of B&LE as an intermediate carrier. Accordingly, Attis requests that FGLK be authorized to provide such service.

VERIFICATION

I, Greg Pilewicz, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on December 9, 2019.

A handwritten signature in black ink, appearing to read 'Greg Pilewicz', is written over a horizontal line.

Greg Pilewicz
President
Attis Ethanol Fulton, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2019, I served a copy of the foregoing

Verified Statement of Greg Pilewicz on the following persons by the method indicated:

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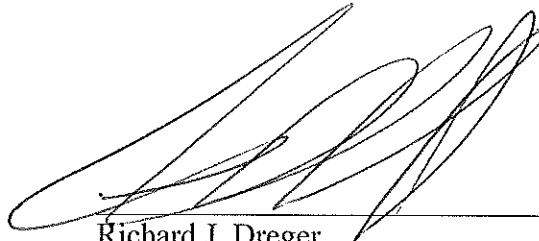
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