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Dr. William Brennan,
Director, Office of Economics
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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Cc: Mr. Pedro Ramirez
Cc: Mr. Alex Dusenberry

Dr. Brennan,

I received your response to our request under 49 C.F.R. § 1244.9(c) for confidential waybill information. While I appreciate your consideration I am disappointed in your denial of our initial request and intend to fully exhaust all rights to appeal in pursuit of this data. I believe that this initial decision shows a 1) misunderstanding of our intent, 2) an incorrect assumption that we can somehow influence markets and 3) inconsistency in the standards applied to us relative to prior requests for nearly identical data.

In paragraph 2, you mention any data request that "may be used to the detriment of the shipper" is generally proscribed by the Board. To that, I would reply that availing North Carolina agricultural interests of data that is more firmly rooted in reality than the USDA AMS tariff rates, in no way jeopardizes the competitive position of shippers. On its face, it should be apparent that agricultural interests in North Carolina would be content with high rail rates and high prices in competing regions. It would be against our best interests to undermine our competitor's prices and more importantly, we have no ability to do so.

Rather, greater symmetry in access to information could be used to more effectively communicate the tremendous value North Carolina soybeans represent to the livestock sector in this state. Successfully communicating that value to the local livestock sector *could* result in more favorable prices for local growers but would not do so at the detriment of other production regions or railways. North Carolina is vastly deficit in vegetal protein production and equal access to information will not jeopardize volumes or prices for competing shippers.

Moving beyond the particular merits of our request, it would appear a separate set of standards have been applied to us relative to an earlier applicant (North Carolina State University, date 6/20/19). In that request, which was ultimately approved, the researchers are overt in their intentions to produce research that will help the financial sustainability of the livestock sector by quantifying costs and availability of supplementary (non-NC) grain supply.

By selectively releasing information to the benefit of the livestock sector while denying it for the benefit of row crop farmers, you are compounding information disparities that will inevitably result in the big getting bigger, and small, individual row crop farmers getting pushed to the brink. One role of the USDA has traditionally been to alleviate information disparities but in the case of AMS published tariff rates they are falling short of that goal. We have turned to the STB to help fill the gap in this instance. As a default position, the AAR will resist greater transparency in data. Their objection to our request is not surprising but is also not justified because it poses no detriment to their members or their customers.



To conclude, I ask that you carefully reconsider our request. It is imperative that the STB be conscious of the needs of all stakeholders in the American rail system, not just the preferences of the most influential, and conscientious that inconsistency in its release of information can only serve to compound information asymmetry - to the benefit of some and the detriment of others.

Thank you and best regards,

Owen Wagner
CEO
North Carolina Soybean Producers Assoc.

