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July 23, 2020

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Martin J. Oberman
Vice Chairman
Surface Transportation Board
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Re: EP No. 755, Final Offer Rate Review

Dear Board Members:

The Fertilizer Institute ("TFI") submits this letter in response to the recent *ex parte* meetings in the above-referenced rulemaking proceeding. TFI submitted written comments as part of the "Coalition Associations." TFI did not participate in the *ex parte* meetings due to various scheduling conflicts. Nevertheless, TFI would have echoed the comments of the American Chemistry Council, which also was part of the Coalition Associations, and TFI hereby expresses its support for the positions presented by ACC.

TFI also writes separately to express its position on the arbitration options suggested by various railroad participants in their *ex parte* meetings. While TFI welcomes this belated interest in arbitrating rate disputes by the rail industry, TFI adamantly opposes substituting arbitration for final offer rate review. The latter appears to be the principal, if not only, reason for this sudden interest in the former. Moreover, the details of any railroad arbitration proposal have yet to be presented and there are many aspects of the Board's current rules for arbitrating rate disputes that would require modification if arbitration is to be of much value in rate disputes. Therefore, the Board should not abandon, or even delay, EP 755 to pursue the rail industry's arbitration proposal(s). FORR and arbitration can and should be considered in parallel.

Respectfully submitted,

/s/ Jeffrey O. Moreno

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