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July 30, 2020

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
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Re: Docket No. FD 35068, *Soo Line Railroad Company d/b/a Canadian Pacific Railway – Acquisition and Operation Exemption – BNSF Railway Company*

On behalf of New Century Ag (“NCA”), this letter is intended to supplement the letter reply we filed with the Board on July 29, 2020 (the “July 29 letter”). NCA’s July 29 letter responded to the letter dated July 24, 2020 from counsel for Soo Line Railroad Company d/b/a Canadian Pacific Railway (“CP”), which had implied that NCA’s shipping needs are being satisfied so that the relief sought in NCA’s Petition to Reopen was no longer necessary. NCA was advised today of a development that necessitates this supplemental reply letter.

As the Board will recall, one of the major concerns expressed in its Petition to Reopen was CP’s arbitrary decisions concerning accepting empty cars from the BNSF Railway Company (“BNSF”) that were intended for loading at the NCA facilities. As the Board will also recall, one of the important markets NCA serves pertains to the delivery of canola to a destination in Warden, WA, a point served by BNSF but not CP.

NCA was advised today that CP has refused to accept 7 empty cars tendered to it by the BNSF at the Minot, ND interchange that were intended to be loaded with outbound canola at NCA’s Noonan elevator for shipment to Warden, WA. These cars were initially tendered to CP on July 19, 2020, but CP has twice refused to accept them. In response, rather than challenging CP’s action or advising NCA, BNSF took the empty cars away, indicating that it will attempt to



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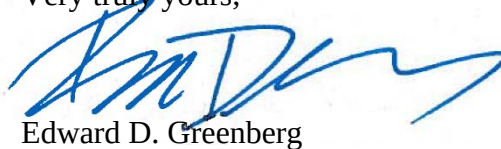
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provide other empty cars at some point in the future. At no point did CP or BNSF advise NCA that there was an issue that somehow precluded CP from accepting the cars; rather, NCA was notified of this today via an email from Agrex Inc., a company that acts on NCA's behalf for ordering rail cars.

NCA has contracts with a company at Warden, WA to deliver the canola but is unable to perform due to what can best be described as negligent mismanagement by CP of its obligations under the September 7, 2007 Exemption Decision in this docket, if not a willful refusal to work with BNSF under the terms of the Haulage Agreement. CP's refusal to provide competitive service is not an academic issue and has not been resolved by the passage of time, the mediation held earlier this year or the proffer of meaningless statistics by CP's counsel.

NCA regrets having to send this letter but believes it is important for the Board to understand in real time the consequences of letting CP determine unilaterally what service NCA is entitled to receive. If you have any questions, let me know.

Very truly yours,



Edward D. Greenberg

cc: Parties of record