



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

Office of Proceedings

August 3, 2020

March 24, 2020

Part of

Public Record

Present: Members Begeman, Fuchs, and Oberman
Staff William Brennan, Rachel Campbell, Anika Cooper, Allison Davis, Ellen
Erichsen, Sarah Fancher, Amanda Gorski, Kim Hillenbrand, Craig Keats, Lisa
Novins, Brian O'Boyle, Frank O'Connor, Valerie Quinn, Andrew Read, Scott
Zimmerman

Topic: Docket No. EP 756, Market Dominance Streamlined Approach

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff continued briefing the Board Members on the status of the rulemaking proceeding initiated to consider a streamlined approach to determining market dominance in certain cases. The Board's intent in proposing the streamlined approach was to reduce burdens on parties, expedite proceedings, and make the Board's rate relief procedures more accessible, especially for complainants with smaller cases. Comments in response to the proposal were filed by numerous interests, including railroad, shipper, government, and academic.

Staff and Board Members discussed the following issues:

1. The parties' arguments and evidence regarding potential prima facie factors not proposed by the Board.
2. The parties' arguments and evidence regarding procedural and technical issues related to the streamlined market dominance approach.
3. Board options regarding prima facie factors proposed by the parties, and procedural and technical issues related to the streamlined market dominance approach.