



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 19, 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, Elizabeth McGrath, Lisa Novins, Brian O'Boyle, Frank O'Connor, Valerie Quinn, Andrew Read, Janie Sheng, 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 briefed 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 proposed prima facie factors for making a streamlined market dominance presentation.
2. The parties' arguments and evidence regarding the proposed prima facie factors.
3. Board options regarding the proposed prima facie factors.