

THOMAS P. TIFFANY

7TH DISTRICT, WISCONSIN



WASHINGTON OFFICE:
1719 LONGWORTH HOB
WASHINGTON, D.C. 20515
(202) 225-3365

DISTRICT OFFICES:
2620 STEWART AVE, SUITE 312
WAUSAU, WI 54401
(202) 225-3365

P.O. Box 586
HAYWARD, WI 54843
(202) 225-3365

Congress of the United States
House of Representatives
Washington, DC 20515

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April 8, 2021

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

Re: Petition for Revocation of Exemptions and Stay of Effective Date

Surface Transportation Board Finance Docket No. FD 36503
Grand Elk Railroad, Inc. – Acquisition – Lines of Wisconsin Central Ltd. in the State of Michigan

Surface Transportation Board Finance Docket No. FD 36504
Fox Valley & Lake Superior Rail System, L.L.C. – Acquisition and Operation Exemption – Lines of Wisconsin Central Ltd. in the State of Wisconsin

Dear Ms. Brown:

This petition is filed, on behalf of our constituents, as a Petition for Revocation of the Exemptions and Stay of the Effective Date in each of the two above captioned finance dockets.

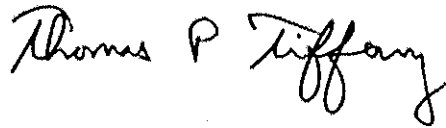
Neither applicant can fairly be said to be a “new carrier” within the meaning of 49 CFR 1130.31(a). Both applicants are in fact owned and controlled by Watco which operates more than three dozen rail carriers which Watco describes as an “unmatched network of short line railroads”. The proposed transactions were publicly announced after entirely closed-door negotiations, with no known participation by shippers or other stakeholders. They were announced as a deal between CN and Watco. There is no credible factual basis for the board to deem either applicant to be a “new carrier” for the purposes of public review.

Moreover, there is no credible basis for the board, as required by 49 USC 10502(a), to grant exemption on the basis: (a) that public review by the board is not necessary to carry out the transportation policy 49 USC 10101; or (b) that the transaction or service is of limited scope; or, (c) that the application is not needed to protect shippers from the abuse of market power. Neither applicant’s Notice of Exemption mentions whether or not shippers on the acquired lines will continue to have the benefit of conditions imposed by the board in 2001 in STB Finance Docket 34000, *Canadian National – Control – Wisconsin Central*, by which the board authorized CN’s control of Wisconsin Central. Watco already controls some 600 miles of railroad lines in the State of Wisconsin, operated under the name Wisconsin & Southern Railroad. The proposed transactions will result in applicants acquiring more than 650 miles of rail lines and Watco’s controlling more than 1250 miles of rail lines in Wisconsin and Upper Michigan. These

proposed transactions ought to be designated as "significant" under 49 CFR Part 1180 and subject to public review by the board.

I respectfully request that this petition be filed in the formal dockets; FD 36503 and FD 36504.

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Tiffany". The signature is written in a cursive style with a large, stylized "T" at the beginning and a long, sweeping underline.

Tom Tiffany
Member of Congress