

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

Crystal M. Zorbaugh

302590

(202) 663-7831 (Direct Dial)

E-Mail: czorbaugh@bakerandmiller.com

June 24, 2021

Via E-Filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20006

ENTERED
Office of Proceedings
June 24, 2021
Part of
Public Record

Re: Flint Hill Resources Railroad, LLC - Construction and Operation Exemption – Hardin County, Iowa, FD 36439

Dear Ms. Brown:

By petition filed February 1, 2021, Flint Hill Resources Railroad, LLC (“FHRR”), a noncarrier, sought an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 for authorization to construct and operate an approximately 2.3-mile rail line (the “Line”) in Hardin County, Iowa. The Board opened a proceeding by decision served April 29, 2021. On June 1, 2021, POET, the world’s largest producer of biofuels, acquired via stock purchase all the bioethanol assets of Flint Hills Resources, including FHRR and the Flint Hill Resources Iowa Falls, LLC plant the railroad was seeking construction authority to serve. POET is very interested in increasing its competitive transportation options but needs time to carefully evaluate the project and its alignment with POET’s long-term objectives, before moving forward with the application.

Given these unique circumstances and to make the best use of the Board’s limited resources, FHRR is requesting that the Board issue an abeyance for the proceeding suspending the proceeding, including the Board’s environmental review process. POET is uncertain currently as to how long it needs to fully evaluate the project. However, upon the Board granting an abeyance, POET commits to providing the Board a status update in 90 days. If there are any questions about this matter, please contact me directly by phone at (202) 663-7831 or by e-mail at czorbaugh@bakerandmiller.com.

Sincerely,

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh
Attorney for Flint Hill Resources Railroad, LLC

cc: Ben Sweat (POET)
Jamie Hendrickson (POET)
Danielle Gosselin (STB-Acting Director Office of Environmental Analysis)
Parties of Record