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September 3, 2021

VIA ELECTRONIC FILING

302985

RPUB-4

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
September 9, 2021
Part of
Public Record

Re: **Docket No. FD 36472**
CSX Corporation and CSX Transportation, Inc., et al. --
Control and Merger -- Pan Am Systems, Inc., et al.

Docket No. FD 36472 (Sub-No. 5)
Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern
Railroad -- Operation of Property of Another Rail Carrier --
Pan Am Southern LLC and Springfield Terminal Railway Company

Dear Ms. Brown:

Attached for filing in the above-captioned proceedings is the **Petition of Republic Services, Inc., ECDC Environmental, L.C. and Devens Recycling Center, LLC for Leave to File Comments** (RPUB-4), dated September 3, 2021.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,

/s/ *Janet H. Gilbert*

Janet H. Gilbert
Attorney for Republic Services, Inc., ECDC
Environmental, L.C. and Devens Recycling Center, LLC

JHG:tjl
Attachment
cc: Parties of Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36472

CSX CORPORATION AND CSX TRANSPORTATION, INC., ET AL.
-- CONTROL AND MERGER --
PAN AM SYSTEMS, INC., PAN AM RAILWAYS, INC., BOSTON & MAINE
CORPORATION, MAINE CENTRAL RAILROAD COMPANY, NORTHERN RAILROAD,
PAN AM SOUTHERN LLC, PORTLAND TERMINAL COMPANY, SPRINGFIELD
TERMINAL RAILWAY COMPANY, STONY BROOK RAILROAD COMPANY
AND VERMONT & MASSACHUSETTS RAILROAD COMPANY

DOCKET NO. FD 36472 (SUB-NO. 5)

PITTSBURG & SHAWMUT RAILROAD, LLC d/b/a
BERKSHIRE & EASTERN RAILROAD
-- OPERATION OF PROPERTY OF ANOTHER RAIL CARRIER --
PAN AM SOUTHERN LLC AND SPRINGFIELD TERMINAL RAILWAY COMPANY

**PETITION OF REPUBLIC SERVICES, INC.,
ECDC ENVIRONMENTAL, L.C. AND DEVENS RECYCLING
CENTER, LLC FOR LEAVE TO FILE COMMENTS**

Janet H. Gilbert
Stephen J. Rynn
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**ATTORNEYS FOR
REPUBLIC SERVICES, INC.,
ECDC ENVIRONMENTAL, L.C. AND
DEVENS RECYCLING CENTER, LLC**

Dated: September 3, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36472

CSX CORPORATION AND CSX TRANSPORTATION, INC., ET AL.
-- CONTROL AND MERGER --
PAN AM SYSTEMS, INC., PAN AM RAILWAYS, INC., BOSTON & MAINE
CORPORATION, MAINE CENTRAL RAILROAD COMPANY, NORTHERN RAILROAD,
PAN AM SOUTHERN LLC, PORTLAND TERMINAL COMPANY, SPRINGFIELD
TERMINAL RAILWAY COMPANY, STONY BROOK RAILROAD COMPANY
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**PETITION OF REPUBLIC SERVICES, INC.,
ECDC ENVIRONMENTAL, L.C. AND DEVENS RECYCLING
CENTER, LLC FOR LEAVE TO FILE COMMENTS**

Pursuant to 49 C.F.R. § 1117.1, Republic Services, Inc., ECDC Environmental, L.C. and Devens Recycling Center, LLC (collectively, “Republic”) hereby seek leave to file their accompanying Comments in Support of Transaction (RPUB-5) in these dockets.

The procedural schedule adopted herein in Decision No. 4, served July 30, 2021, provided that comments, protests, requests for conditions and any other evidence or argument regarding the proposed acquisition by CSX Transportation, Inc. (“CSXT”) of the rail carriers of Pan Am Railways, Inc. (collectively, “Pan Am”), including Pan Am’s 50% ownership interest in Pan Am Southern LLC (“PAS”), and the related proposal for Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern Railroad to assume operation of PAS were due on August 27, 2021. As Republic advised the Board on that date, Republic and CSXT were seeking to reach a voluntary

resolution of Republic's concerns and agreed that a brief additional period of time would accommodate completion of those ongoing efforts. CSXT indicated that it would concur in a petition for leave to file Republic's comments no later than September 3, 2021. See Republic August 27, 2021 letter filing (RPUB-3) and attachment thereto.

As is reflected in the RPUB-5 Comments submitted concurrently herewith, the parties have now reached voluntary resolution of the matters of interest to Republic, and Republic supports the proposed transaction. Granting of this consented-to petition is appropriate to allow submission of Republic's comments, will not prejudice any party, and is consistent with the Board's encouragement of private resolution of matters in agency proceedings.

WHEREFORE, Republic respectfully requests that the Board grant this petition and accept Republic's concurrently-submitted Comments in Support of Transaction (RPUB-5) for filing.

Respectfully submitted,

/s/ Janet H. Gilbert

By: _____

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**ATTORNEYS FOR
REPUBLIC SERVICES, INC.,
ECDC ENVIRONMENTAL, L.C. AND
DEVENS RECYCLING CENTER, LLC**

Dated: September 3, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September a copy of the foregoing **Petition of Republic Services, Inc., ECDC Environmental, L.C. and Devens Recycling Center, LLC for Leave to File Comments** (RPUB-4) was served by electronic mail upon all parties of record in these proceedings.

/s/ Janet H. Gilbert

Janet H. Gilbert