

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET No. 36472¹

**CSX CORP. AND CSX TRANSPORTATION, INC., ET AL.
- CONTROL AND MERGER -
PAN AM SYSTEMS, INC., PAN AM RAILWAYS, INC., BOSTON AND 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**

**PITTSBURG & SHAWMUT RAILROAD, LLC d/b/a
BERKSHIRE & EASTERN RAILROAD
NOTICE OF INTENT TO PARTICIPATE IN PUBLIC HEARING**

Pursuant to the Board's Decision No. 6 in this proceeding, Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern Railroad ("B&E"), the petitioner in Sub-docket No. 5, hereby gives notice of its intent to participate in the public hearing scheduled by the Board for January 13, 2022 (and possibly January 14, 2022) (the "Public Hearing"). B&E will be represented at the Public Hearing by the following persons who will either speak or be available to respond to the Board's questions:

Michael Miller, President of North American Operations, Genesee & Wyoming Inc.
("G&W")

Matthew Walsh, Executive Vice President, Global Corporate Development, G&W

Leonard Wagner, Regional Senior Vice President of G&W's Northern Region, and
President of B&E

Eric Hocky, outside counsel for B&E

The key points that the B&E speaker(s) will address include the following:

¹ This Notice embraces the various sub-dockets, including specifically, *Pittsburg & Shawmut Railroad - Operations Exemption – Pan Am Southern LLC*, Docket No. FD 36472 (Sub-No. 5).

- (1) PAS will remain as an independent carrier.
- (2) B&E, in its role as contract operator, will act exclusively in the interest of PAS.
- (3) No shipper (or connecting railroad) will have its competitive access reduced.
- (4) The choice of B&E as the PAS contract operator provides public benefits because B&E will provide high quality and safe rail operations.
- (5) Although, no shippers seek the Board's protection from any impacts of the B&E's operation of the PAS Lines, the owners of PAS have included pricing, haulage, service and other commitments that B&E will be required to honor as the contract operator, to ensure that the transaction will not result in any anticompetitive effects.
- (6) B&E's Amended Petition satisfies the governing legal standard for exemptions and should be granted.

The B&E speaker(s) request thirty (30) minutes to present its points to the Board, some of which may be reserved for rebuttal.

Respectfully submitted,

/s/ Eric M. Hocky

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