

Via Electronic Filing

October 28, 2022

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

305572

ENTERED
Office of Proceedings
October 28, 2022
Part of
Public Record

**Re: STB Finance Docket No. 36641, Eastern Maine Railway Company –
Acquisition and Operation Exemption – Central Maine & Quebec Railway
US Inc., d/b/a Canadian Pacific**

Dear Ms. Brown:

There is an error in a recent Board decision in the aforementioned proceeding. The Board averred on page 2 of its October 21st decision that “EMR further certifies that its projected annual revenues as a result of this transaction....will not exceed \$5 million.” The quoted language is contrary to the Notice of Exemption filed by Eastern Maine Railway (“EMR”) on October 6th. EMR clearly stated on page 5 of its Notice of Exemption that “[b]ecause the projected annual revenues of EMR after the proposed transaction will exceed \$5 million, EMR has effected posting of a labor notice as required by 49 CFR § 1150.42(e).” The same error also appears in the Federal Register notice published at 87 Fed. Reg. 64129 (Oct. 21, 2022).

The undersigned counsel for EMR has informed the Office of Proceedings of the error in the Board decision issued on October 21st, and counsel understands that the Board intends to take corrective action. Nevertheless, for avoidance of doubt, EMR is filing this letter so that the docket may reflect the actual EMR certification as well as EMR’s and Canadian Pacific’s plan to move forward with consummation of the transaction on November 8th.

Please do not hesitate to contact the undersigned with any questions.

Respectfully,

/s/ David E. Benz
David E. Benz

cc: counsel for CMQR d/b/a Canadian Pacific

David.Benz@ThompsonHine.com Phone 202.263.4116 Fax 202.331.8330