



LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. STREET, NW SUITE 300
WASHINGTON, DC 20006

309163

(202) 508-1065 (O)
(202) 365-8409 (C)
TOM@TWILCOXLAW.COM
WWW.TWILCOXLAW.COM

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Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

RE: STB Docket No. FD 36744, *Canadian National Railway Company and Grand Trunk Corporation – Control – Iowa Northern Railway Company*

Dear Ms. Brown:

This letter is submitted on behalf of POET Bioprocessing (“POET”), which respectfully requests that the Board clarify or revisit one aspect of the reporting requirements adopted in the Decision served in this proceeding on January 14, 2025. POET is a railroad shipper of biofuels and other hazardous commodities and it owns two facilities affected by this transaction located in Shell Rock and Fairbank, Iowa, respectively. POET is also a member of the National Grain and Feed Association (“NGFA”), a party of record in this proceeding.

POET’s concern arises out of the Decision’s directive to Applicants to provide quarterly reports on interchange volumes, which in part requires that:

“Applicants provide quarterly reports on interchange volumes at gateways for at least three years as part of the Board’s oversight. The required reports will include (1) a count of cars interchanged in total and for each interchange partner and (2) a count of cars interchanged *for each two-digit STCC*¹ and be submitted in a template provided by the Board”

¹ Standard Transportation Commodity Code.

Decision at 27 (emphasis added). This requirement appears to have been inserted into the final Decision without prior comment or input.

POET respectfully submits that if the reports on interchange volumes at gateways are intended to be public, then using two-digit STCC codes will be problematic. POET is the only biofuels producer on the Iowa Northern Railway Company (“IANR”) system, and the large volumes POET ships are currently transported through all the interchanges on the IANR. Accordingly, public disclosure of POET’s interchanged carloads by two-digit STCC code will reveal not only the volumes of biofuels shipped by POET from its Shell Rock and Fairbank facilities, but also the markets to which such shipments are being sent. The reporting requirement would therefore commercially harm POET by disclosing its proprietary and confidential business information.

To balance oversight goals with confidentiality, POET requests that the Board instead require Applicants to publicly report only the count of cars interchanged in total and for each interchange partner. This would ensure effective tracking while protecting sensitive business information. However, if the Board elects to retain the two-digit STCC requirement, POET requests that this information be submitted under seal pursuant to the Protective Order in this proceeding.² POET also suggests that the issues surrounding this reporting requirement could be the subject of a technical conference with Board staff.

Finally, the undersigned counsel for POET conferred with counsel for the Applicants prior to submitting this letter and can represent that Applicants do not object to POET’s request.

Respectfully submitted,



Thomas W. Wilcox

Attorney for POET Bioprocessing

² POET is not formally seeking to reopen this proceeding or for the Board to formally reconsider this aspect of the Decision. For example, POET does not believe the Board committed material error in adopting reporting requirement. Rather, POET simply asserts that the two-digit STCC code requirement is ill-advised and will have unintended adverse consequences if the information is contained in publicly available reports, and the Board should modify the reporting requirement accordingly.

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2025, I served a copy of the foregoing document by electronic mail upon all parties of record on the official service list for Docket No. FD 36744

/ss/ Thomas W. Wilcox
