

# FLETCHER & SIPPEL LLC

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August 4, 2025

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## VIA ELECTRONIC FILING

Chief, Section of Case Administration  
Office of Chief Counsel  
Surface Transportation Board  
Washington, DC 20423-0001

ENTERED  
Office of Chief Counsel  
August 4, 2025  
Part of  
Public Record

**Re: *OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC - Control Exemption - Columbia Basin Railroad Company, LLC*, FD 36865**

To the Chief of Case Administration:

On July 25, 2025, the Port of Moses Lake (the “Port”) filed a petition (the “Petition”) in the above-referenced proceeding. The Petition requested a temporary abeyance to investigate issues related to the class exemption notice that Jaguar filed on July 14, 2025. That exemption is currently scheduled to take effect on August 13, 2025.

Following the filing of the Petition, the Port’s counsel contacted counsel for OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC (collectively, “Jaguar”) to discuss the matter and to request an unredacted copy of the Unit Purchase Agreement (“UPA”) that had been filed in this docket under seal. The Port’s counsel promptly signed and submitted the appropriate undertaking from the protective order the Board issued on the same day the Petition was filed.

In the spirit of cooperation, counsel for OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC (collectively, “Jaguar”) provided the Port’s counsel with the unredacted UPA on Monday, July 28, 2025, under the terms of the protective order. Among other things, the UPA governs Jaguar’s proposed acquisition of control of Columbia Basin Railroad Company, LLC (“CBRW”).

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Also on July 28, Jaguar officials began a dialogue with their counterparts at the Port to better understand and address the Port's concerns. This constructive dialogue continued throughout the week. As a result, the Port agreed to withdraw its Petition on the condition that Jaguar would file a revised map of the CBRW network identifying – (1) the approximately three-mile segment of CBRW's network owned by the Port; and (2) the railroad lines that the Port has Board authorization to construct, and which CBRW would operate under an agreement with the Port. (See FD 34936 and FD 34936 (Sub-No. 1)).

In response to the Port's request, Jaguar offers the attached Port-approved CBRW system map. The map appended to Jaguar's initial July 14th notice filing accurately displayed the scope of CBRW's current operations and was fully compliant with the class exemption requirements of 49 C.F.R. §§ 1180.4(g)(1)(i) and 1180.6(a)(6). However, this new map provides additional detail about CBRW's current and future operations that the Port believes the record should reflect in furtherance of its interests.

Jaguar is pleased to offer this supplemental map for the record. It is a gesture further assuring Jaguar's commitment to a cooperative relationship with the Port, a critical future business partner through CBRW.

Jaguar understands that filing this map will satisfy the Port's concerns with the control transaction. We expect the Port will now promptly file a request to withdraw its Petition as it has committed to do, allowing the exemption in this proceeding to take effect on August 13, 2025, as currently scheduled.

Respectfully submitted,

*R. A. Wimbish*

Robert A. Wimbish

Counsel for OPSEU Pension Plan Trust Fund, Jaguar

Transport Holdings, LLC, and Jaguar Rail Holdings, LLC

Attachment

cc: All parties of record

LEGEND

- Owned by the Port of Moses Lake, operated by CBRW
- Future railroad lines which, if and when constructed, would be owned by the Port of Moses Lake and operated by CBRW
- Columbia Basin Railroad (owned by CBRW)
- BNSF
- Port of Royal Slope Rail Line
- Grant County Intl. Airport

