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ENTERED
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Public Record

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July 26, 2023

By E-Filing

Martin J. Oberman
Chairman
U.S. Surface Transportation Board
395 E Street SW
Washington, D.C. 20423

Re: Docket No. FD 35068, *Soo Line Railroad Company d/b/a Canadian Pacific Railway – Acquisition and Operation Exemption – BNSF Railway Company*

Dear Chairman Oberman:

This letter is submitted on behalf of New Century Ag (“NCA”) to urge the Board to expeditiously issue a decision in the captioned proceeding, which NCA asked the Board to reopen in a Petition to Reopen filed December 21, 2018. The last decision by the entire Board in the case was served on December 29, 2020, when the Board granted NCA’s petition and directed Canadian Pacific Railway (“CP”) and BNSF Railway (“BNSF”) to take further actions to establish unit train grain service from BNSF to NCA’s grain loading facilities in Noonan and Crosby, North Dakota. By doing so the Board confirmed the rights of NCA to rates and routes for unit train service established through competition between BNSF and CP (now “CPKC”). On June 6, 2022 NCA and CP informed the Board that the efforts of NCA, CP, and BNSF to settle this matter commercially were unsuccessful and they jointly asked that the case no longer be held in abeyance.

NCA is 100% owned by hundreds of owners of family farms in northwest North Dakota and northeast Montana. The lack of any additional substantive action by the Board in the case has harmed NCA’s member farmers for two critical harvest seasons now because there is no clarity on the availability of BNSF unit train service that would provide them with rate and routing options to maximize their production and sales.

NCA respectfully requests that the Board expeditiously complete its review of the record in this proceeding and issue a final decision that provides all affected parties with the direction

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they need concerning rail-to-rail competition between CPKC and BNSF for the transportation in unit trains of commodities tendered by NCA and its member farmers.

Respectfully submitted,



Thomas W. Wilcox
Attorney for New Century Ag

Cc: Vice Chairman Karen J. Hedlund
Board Member Robert E. Primus
Board Member Michelle A. Schultz
Board Member Patrick J. Fuchs

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July 2023, copies of the foregoing Letter were served by electronic mail on the parties of record on the official service list for Docket No. FD 35068.



Thomas W. Wilcox