



Kathryn J. Gainey
U.S. Regulatory Counsel

601 Pennsylvania Avenue, NW
Suite 500, North Building
Washington, DC 20004
T 202-347-7840

Kathryn.Gainey@cn.ca

ENTERED
Office of Proceedings
May 20, 2019
Part of
Public Record

May 20, 2019

Allison C. Davis
Acting Director, Office of Proceedings
Surface Transportation Board
395 E ST SW
Washington, DC 20423

Re: *Oversight Hearing on Demurrage and Accessorial Charges*, STB Docket No.
Ex Parte 754

Dear Ms. Davis,

This letter responds to the Board's May 14, 2019 Order in the above-referenced docket directing CN to submit an explanation for the designation of certain information in its data response as highly confidential.

CN understands the Board's interest in transparency in this proceeding and submitted its May 10, 2019 amended data in the interest of clarity and transparency to provide a public response to the Board's Information Request Number 3.

The information that CN designated as highly confidential in its May 10, 2019 amended data response consists of detailed statistics regarding the outcomes of its dispute resolution process, which are commercially sensitive and proprietary given that some customers and receivers challenge certain invoices and in some instances, those disputes are unable to be resolved informally. CN voluntarily provided these additional detailed statistics in the event that it might

Allison C. Davis, Acting Director, Office of Proceedings

May 20, 2019

Page 2

be useful to the Board. The information was provided along with a proposed protective order in a form similar to that used by the Board for past proceedings.¹

Pursuant to the protective order issued in this proceeding, CN has made—and will continue to make—highly confidential information available to any outside counsel who agrees to comply with the parameters of the protective order by signing the undertaking.

Please feel free to contact me with any questions.

Regards,

/s/Kathryn Gainey

Kathryn J. Gainey

¹ See, e.g., *Reciprocal Switching*, Ex Parte No. 711 (Sub-No. 1) (Oct 26, 2016); *Railroad Revenue Adequacy*, Ex Parte No. 722 (Sept. 17, 2014); *Competition in the Railroad Industry*, Ex Parte 705 (June 7, 2011).