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June 27, 2019

VIA E-FILING

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

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

Dear Ms. Brown:

In a letter dated June 14, 2019, counsel for Soo Line Railroad Company d/b/a Canadian Pacific (“CP”) advised the Board that it had reached out to New Century Ag (“NCA”) to address some of the issues raised in this proceeding – namely, matters relating to rates, shuttle train access, and other CP service issues. Although several weeks passed from the time CP’s counsel reached out to suggest that it privately discuss the issues with NCA, that was not due to any indifference on NCA’s part. Rather, in view of CP’s continuing position that denies NCA’s right to competitive rail service, it was necessary for NCA to have CP’s limitations presented to and considered by its full Board of Directors, a process that took several weeks in view of the press of the press of the members’ farming business. That discussion has now taken place and the undersigned advised CP’s counsel this date that private negotiations between just these two parties would not seem fruitful if CP continues to refuse to permit NCA to have the benefit of competitive unit train service provided by BNSF Railway Company (“BNSF”).

For the purpose of clarity, NCA repeats its willingness to participate in negotiations with CP concerning all of the issues raised in NCA’s Petition to Reopen or to do so through the use of mediation overseen by the Board or in conjunction with the Federal Mediation and Conciliation



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Service. However, as stated in the various pleadings and statements in this proceeding, being relegated to CP-only service has severely limited NCA's access to markets, rate and service options. Moreover, obtaining access to one additional CP unit train for one year, while perhaps helpful for this season, does nothing to remedy the long-term structural problem caused by the failure of both CP and BNSF to honor the terms of the 2007 Exemption Decision in this docket.

Accordingly, while NCA would like to settle this dispute amicably, CP's preconditions – namely, that BNSF neither be a party to any settlement discussions nor be able to provide unit trains for NCA's account even via haulage – are not favorable to any amicable resolution of the issues. To the contrary, if CP refuses to participate in any mediation or informal discussions that involves BNSF service, NCA believes it is unlikely that any settlement can be reached. NCA accordingly requests that the Board promptly either order mediation among the three parties or issue a decision on the merits.

If you have any questions concerning this, please do not hesitate to contact me.

Very truly yours,



Edward D. Greenberg
Attorney for New Century Ag

cc: All parties of record