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ENTERED
Office of Proceedings
May 17, 2017
Part of
Public Record

May 17, 2017

By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 35952, *Great Lakes Basin Transportation, Inc. -- Application to Construct and Operate a Rail Line in Wisconsin, Illinois and Indiana*

Dear Ms. Brown:

The Opposition Groups represented by the undersigned (listed in the attached Appendix) respectfully request clarification that individual private citizens who send short letters or statements to the Board opposing or favoring the Application or Motion for Protective Order do not thereby become parties of record who must be served with copies of more formal pleadings filed with the Board by citizen organizations such as the Opposition Groups referred to above, or by governmental agencies, or by any other entity who files substantive pleadings in favor of, or in opposition to, the Application or Motion for Protective Order. At the most recent count, approximately 100 of such letters or statements have been filed, and that number continues to increase significantly each day. It would be costly and burdensome for persons intending to file substantive pleadings to be required to serve all of those individual private citizens as parties of record. Such a requirement would be directly contrary to the Board's stated interest "in encouraging public participation by all interested persons in this proceeding." See the Board's decision in this proceeding served May 9, 2017 at 2.

In the "How to File" section in the Board's website, the following appears:

If you want to be a 'party of record,' (that is, a full participant) in a case before the Surface Transportation Board (STB) you should follow these guidelines and check the rules and statutes that are referenced. Correspondence filed by non-parties will be included in the public record, but will not be referred to in the Board's decisions and need not be served on all of the parties.

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The Opposition Groups represented by the undersigned have been in contact with many of the individual private citizens who have filed letters or statements with the Board in regard to the Application and/or the Motion for Protective Order. Based on that contact, it can be stated that in filing those letters or statements, those individual private citizens did not intend thereby to become parties of record in the proceeding. Consistently with the guideline quoted above, the letters and statements filed by those individual private citizens should be treated as “(c)orrespondence filed by non-parties (to) be included in the public record but (not to) be referred to in the Board’s decisions.” (*Id.*)

The Board is respectfully requested to so clarify.

Very truly yours,

A handwritten signature in cursive script that reads "Tom McFarland".

Thomas F. McFarland
*Attorney for the Opposition Groups
listed in the Appendix*

TMcf:kf:1735-A\efSTBI

cc: All parties of record on the official service list

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Appendix

Opposition Groups represented:

BLOCK GLB RAILROAD,
LASALLE COUNTY, IL
P.O. Box 538
Earlville, IL 60518

ROCK AGAINST THE RAIL, LLC (Rock County, WI)
8608 East Rye Drive
Clinton, WI 53525

KANKAKEE COUNTY, IL BLOCK GLB
3156 North 9000 West Road
Bonfield, IL 60913

RAILED, LaPorte, Porter & Lake Counties, IN
112 West 450 South
Kouts, IN 46347

CITIZENS AGAINST THE GLB
RAILROAD, BOONE COUNTY, IL
9498 Edson Road
Capron, IL 61012

WINNEBAGO COUNTY AGAINST THE GLB RAILROAD
7889 Cemetery Road
Winnebago, IL 61088-8860