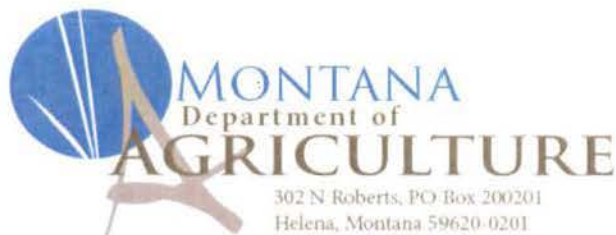


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Governor



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BEFORE THE SURFACE TRANSPORTATION BOARD
STB Ex Parte 528 (Sub-No. 1)

On Behalf of the:

Montana Department of Agriculture and the Montana Wheat and Barley Committee

The Montana Department of Agriculture and Montana Wheat and Barley Committee thank the Surface Transportation Board for their work on Docket EP 528 (Sub-No. 1) and Docket EP 665 (Sub-No. 1). The Department appreciates the Board's formal statements indicating grain producers (and other indirectly harmed complainants) that file rate complaints cannot be disqualified due to the absence of direct damage. We also believe the Board is wise to allow the aggregation of similar cases to allow for more efficient and cost effective resolutions to disputes. We continue to support the theory that a state's Attorney General or Agricultural Director should be able to spearhead such litigation when appropriate.

As to the matter of shipping rate transparency for agricultural products, the Department supports the proposal by the Board to make rate information available online. Such a requirement is necessary in keeping with the times and ensures all of the information required by 49 C.F.R. § 1300.5(b) is readily available to all persons. We especially appreciate the Board designating a contact point within the STB to assist parties having difficulty accessing the information. The Montana Department of Agriculture plans to continue to work with the Montana Wheat and Barley Committee and BNSF to promote rate transparency consistent with 49 C.F.R. § 11101(d) and the Board's proposed amendments will assist these parties in working cooperatively.

The Board's willingness to look beyond the grain elevators to the underlying farmers, who in most cases are the party ultimately impacted by the tariff rate, sets up a shared framework for future litigation should it be needed. More importantly, giving the farmers clear regulatory standing and access to necessary information allows for constructive discussions between commodity groups and the railroads without the need for STB involvement.

Sincerely,

Kim Mangold
Interim Director
Montana Department of Agriculture