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Consolidated Scrap Resources, Inc.

March 11, 2019

Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: STB Ex Parte No. 704 (Sub-No. 1), Review of Commodity, Boxcar,
and TOFC/COFC Exemptions

Dear Ms. Brown:

My name is Ben Abrams, and I am the President and CEO of Consolidated Scrap Resources, Inc ("CSR"). CSR strongly supports a waiver of the Board's ex parte communication rules in this proceeding as requested by the American Forest & Paper Association ("AF&PA") and the Institute of Scrap Recycling Industries, Inc. ("ISRI"). In their Petition for Waiver, AF&PA and ISRI have asked the Board to authorize meetings between interested stakeholders and Board members, subject to certain disclosures and other procedures. We believe that permitting *ex parte* meetings would be extremely valuable as the Board considers the important issues that are implicated by the possible revocation of certain commodity and traffic type exemptions.

The Board has permitted ex parte meetings in other similarly-situated proceedings, including its competitive switching and performance data reporting proceedings.¹ The Board has previously waived its ex parte prohibition "so that the agency may develop a more complete record with regard to technical issues and move this proceeding forward in an expeditious manner." For similar

¹ Reciprocal Switching, Ex Parte No. 711, slip op. 27-28 (served July 27, 2016); United States Rail Service Issues—Performance Data Reporting, Ex Parte No. 724 (Sub-No. 4), slip op at 2 (served Nov. 9, 2015).

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reasons, the Board should also permit *ex parte* meetings in its proceeding regarding possible exemption revocations.²

More than two years have passed since the filing of comments in this proceeding and two of the three members are brand new to the Board. Permitting *ex parte* meetings would assist the new members in fully understanding the issues involved in this proceeding, and would facilitate the entire Board's ability to make an informed decision without additional delay. During *ex parte* meetings, Board members could hear directly from stakeholders about the effects of the exemptions at issue, ask follow-up questions, and obtain more detailed information. Such meetings would enable the Board to reach a prompt and thorough decision on the exemption revocations currently under review.

For these reasons, we respectfully request that the Board grant the Petition for Waiver and authorize stakeholders to meet with Board members about the important issues in this proceeding.

Respectfully submitted,
CONSOLIDATED SCRAP RESOURCES, INC.

By: 
Benjamin C. Abrams
President and CEO

CC: Karyn Booth, Esquire
Billy Johnson, ISRI

² The Board also recently decided to allow *ex parte* meetings in future rulemaking proceedings subject to certain safeguards. See *Ex Parte No. 739, Ex Parte Communications in Informal Rulemaking Proceedings* (served Feb. 28, 2018). Although, the review of commodity exemptions was not included in that decision, the Board indicated that it could consider waiving its *ex parte* prohibition in pending proceedings on a case-by-case basis. *Ex Parte No. 739*, slip op at 20.