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

Re: Docket No. EP 736, *InterVISTAS Study* – Supporting
Workpaper Request

Dear Ms. Brown:

On October 19, 2016, the Western Coal Traffic League (“WCTL”) filed the appended request asking the Board to provide WCTL counsel with copies of supporting workpapers and data sufficient to replicate specified Three-Benchmark and Simplified Stand Alone Cost analyses contained in the study prepared by the Board’s contractor, InterVISTAS Consulting LLC, entitled “*An Examination of the STB’s Approach to Freight Rail Rate Regulation and Options for Simplification.*”

The Board routinely grants requests to obtain workpapers and supporting data. *See, e.g., Western Fuels Ass’n, Inc. v. BNSF Ry.*, NOR 42088 (Sub-No. 1), slip op. at 10 (STB served July 27, 2009) (STB makes rate case workpapers available to parties “upon request”); *Review of Commodity, Boxcar, and TOFC/COFC Exemptions*, EP 704 (Sub-No. 1), slip op. at 2 (STB served May 6, 2016) (STB grants party request for the workpaper underlying its proposed revocation of the class exemption for specified commodities); *R.R. Cost Recovery Procedures*, EP 290 (Sub-No. 2), slip op. at 1 (STB served Jan. 5, 2000) (Board grants WCTL’s request “to inspect all RCAF workpapers used in developing the Rail Cost Adjustment Factor”); *Adoption of the Unif. R.R. Costing Sys. As A Gen. Purpose Costing Sys. For All Regulatory Costing Purposes*, 5 I.C.C.2d 894, 897 n.7 (I.C.C. Sept. 8, 1989) (noting that the “underlying workpapers, computer programs, and data bases used [by the ICC’s contractor] to develop the URCS regressions, have been subjected to an extensive review by the parties”).

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WCTL's workpaper request in this proceeding has been pending for over fifteen months. Expedited action is requested.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William L. Slover".

William L. Slover

John H. LeSeur

Daniel M. Jaffe

Attorneys for WCTL

Enclosure

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October 19, 2016

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Re: Docket No. EP 736, *InterVISTAS Study* – Supporting
Workpaper Request

Dear Ms. Brown:

On September 22, 2016, the Board released a study prepared by its contractor, InterVISTAS Consulting LLC, entitled “*An Examination of the STB’s Approach to Freight Rail Rate Regulation and Options for Simplification*” (“InterVISTAS Report” or “Report”).

Subsequently, the Board announced that it plans to “hold an economic roundtable regarding the issues and conclusions presented in the [InterVISTAS Report]” on October 25, 2016, followed by “a public hearing on [InterVISTAS Report] for all stakeholders and interested parties to participate in this important discourse” at a future date. *InterVISTAS Study*, EP 736, slip op. at 1-2 (STB served Oct. 12, 2016).

The Western Coal Traffic League (“WCTL”) respectfully requests that the Board provide its undersigned counsel with copies of the workpapers and data supporting, and sufficient to replicate: (i) the Three-Benchmark Analyses calculations shown in Figure 5-1 (p. 64), Figure 5-2 (p. 65), Table 5-2 (p. 66), Table 5-3 (p. 67), Figure II-1 (p. 141) and Figure II-2 (p. 142) of the Report (including the derivation of the R/VC_{comp} ratios used in making these calculations); and (ii) the Simplified Stand Alone Cost Analyses calculations shown in Table 5-5 (p.70), Table 5-6 (p.72) and Figure 5-3 (p.73) of the Report (including URCS Phase II Modified data referenced at p.70, the

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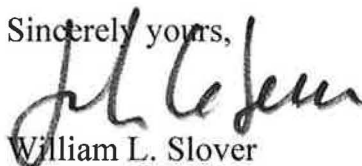
inputs used to develop the simple regression set forth at p.71, and the DCF model referenced on p. 72).

Provision of the requested workpapers and data will facilitate WCTL's review of the Report and is consistent with the Board's stated desire to consider the Report findings and analyses "in open and transparent fora." STB Press Release No. 16-25, *Independent Study on Rate Case Methodology Alternatives Released* (Sept. 22, 2016).

If the Board determines that any of the requested material contains confidential information, WCTL counsel is amenable to entering into standard arrangements with the Board to protect the confidentiality of this information.

Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "JL Slover", written over the typed name "William L. Slover".

William L. Slover

John H. LeSeur

Daniel M. Jaffe

Attorneys for WCTL