

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

248778

Docket No. EP 755

FINAL OFFER RATE REVIEW (FORR)

ENTERED
Office of Proceedings
November 5, 2019
Part of
Public Record

Notice of Proposed Rulemaking

**COMMENTS FROM THE PRIVATE RAILCAR FOOD AND BEVERAGE
ASSOCIATION (PRFBA)**

First and foremost, we would like to thank the Surface Transportation Board (Board) for the extensive work it has put into this matter and for issuing the proposed rulemaking in the matter of the “final offer rate review”.

PRFBA agrees that a different format should be used when dealing with smaller rates cases that are valued at \$4 million or less per year. Otherwise, the cost of litigation could easily exceed the value of the rate case. We also are in favor of removing the \$4 million cap when the time limits are longer like it is in Canada.

We believe that the three elements outlined in the proposed rulemaking are valid and fair: 1) limited to smaller rate cases, 2) provide a less complicated process for filing the rate case 3) provide an avenue for faster resolution to the case.

We agree with the Board’s statement made on page seven (7) of the EP Docket 755, “By lowering the costs of litigating smaller rate cases, the Board expects that complainants with smaller rate cases, who otherwise might have been deterred from challenging a rate due to the cost of bringing a case under the Board’s existing rate reasonableness methodologies would have

a more accessible avenue for rate review by the Board. The Board also expects that reduced litigation costs would make it possible for such complainants to prove meritorious cases. And a final offer procedure may help to encourage private settlements of dispute...”

In the end, if filing a rate case is easier, costs less money and is faster in obtaining the final resolution, then we believe it is beneficial to the public in general, and we support this rulemaking by the STB.

PRFBA would like to thank the STB for listening and for your proposed rulemaking of the Final Offer Rate Review (FORR).

Prepared November 5th, 2019 by:

Barbara Cataneo
Secretary to the Board of Directors,
Private Railcar Food and Beverage Association, Inc.
bcataneo@prfba.org