

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

November 5th, 2019

VIA Email

BEFORE THE SURFACE TRANSPORTATION BOARD

Re: Docket No. FD 36326

REQUEST FOR ACCESS TO HIGHLY CONFIDENTIAL INFORMATION filed by a Petitioner in Response to Our Comments in an Exemption Application under 49 C.F.R. § 1180.2 (d)(2)

BROOKFIELD ASSET MANAGEMENT, INC. AND DJP XX, LLC – CONTROL EXEMPTION – GENESEE & WYOMING, Inc., ET AL.

ATTN: Chairwoman Ann D. Begeman;

Vice Chairman Patrick J. Fuchs:

Board Member Patrick Oberman

Office of Proceedings Allison C. Davis:

Dear STB Leadership:

On September 24, 2019, Brookfield and DJP applied for and were awarded a protective order for confidential and highly confidential information.

On October 9, 2019, I submitted an executed confidentiality agreement to the proposed terms required to view the information designed as confidential and highly confidential within Docket FD 36326 to the applicant's counsel Peter Denton but was denied access. According to the applicant's counsel, only outside counsel is allowed to view the material.

The applicant's denial of access to STB filings is inappropriate. First, as a party to the proceedings, I am entitled to view all documentation associated with the case. Second, it is my understanding the STB does not require parties to proceedings to have outside counsel, and there is no reason for there to be so in this case. Lastly, the protective order indicates that outside counsel can show material to others if they agree to and execute an undertaking form.

The documents are needed for further review of the board's 10/29/19 exemption decision to evaluate the merits of taking further action. I cannot make an informed decision without full access to the documents of the case.

The applicant's application of the protective order is inappropriate and is denying parties the ability to make decisions regarding the proceeding. I would therefore request that the STB make the information available to me for review.

Given the applicant's expected time line, expedited action with respect to this letter is requested.

Respectfully yours,

/s/ Victoria Dalrymple



Surface Transportation Board

November 5, 2019

I certify that I have this day served copies of the request for access to highly confidential filings submitted to the STB regarding FD 36326_0 to Peter Denton, attorney for Brookfield Asset Management via email at pdenton@steptoe.com as well as all parties of record below.

/s/ Victoria Dalrymple

Docket #: **FD_36326_0**

Case Title: **BROOKFIELD ASSET MANAGEMENT, INC. AND DJP XX, LLC –CONTROL
EXEMPTION— GENESEE & WYOMING INC., ET AL.
19 Service List entries found.**

<u>Code Desc</u>	<u>Filed By</u>	<u>Address</u>	<u>Email</u>	<u>Filed For</u>
Party Of Record	Billington, Robert	175 Main Street Pawtucket, RI 02860 Tel: 401. 724. 2200 Fax:	bvri@bu.edu	Blackstone Valley Tourism Council
Party Of Record	Dalrymple, Victoria	8-1 Strawberry Bank Road Nashua, NH 03062 Tel: Fax:	victoria@dalrymplefinance.com	Victoria Dalrymple Genesee & Wyoming Inc
Party Of Record	Denton, Peter W.	Steptoe & Johnson Llp 1330 Connecticut Avenue, Nw Washington, DC 20036-1795 Tel: 202-263-3237 Fax:	pdenton@steptoe.com	Brookfield Asset Management, Inc., And DjP Xx, Llc
Party Of Record	Diehl- Gibbons, Erika A.	Smart - Transportation Division 24950 Country Club Blvd., Ste. 340 North Olmsted, OH 44070 Tel: 216-228-9400 Fax: 216-228-0937	Ediehl@Smart-Union.Org	The Transportation Division Of The International Association Of Sheet Metal, Air, Rail And Transportation Workers Smart-Td

Party Of Record	Diossa, James	City Of Central Falls, Ri 580 Broad Street Second Floor Central Falls, RI 02863 Tel: 4017277474 Fax:	jfinkle@centralfallsri.us	City Of Central Falls, Ri
Party Of Record	Gallerani, Michael	Department Of Economic Development And Community Planning Town Of Uxbridge 21 South Main Street Uxbridge, MA 01569 Tel: 5082788600 x2018 Fax:	mgallerani@uxbridge-ma.gov	Town Of Uxbridge, Ma
Party Of Record	Grebien, Honorable Donald R.	Pawtucket City Hall 137 Roosevelt Avenue Pawtucket, RI 02860 Tel: (401) 728-0500 EXT. 281 Fax: (401) 723-8620	dgrebien@pawtucketri.com	Honorable Donald R. Grebien
Party Of Record	Gregory, John C	Northern Rhode Island Chamber Of Commerce 6 Blackstone Valley Place, Suite 402 Lincoln, RI 02865 Tel: 401.334.1000 Fax:		Northern Rhode Island Chamber Of Commerce Northern Road Island Chamber Of Commerce
Party Of Record	Gregory, Richard	Blackstone River Valley National Heritage Corridor, Inc. 670 Linwood Avenue Whitinsville, MA 01588 Tel: Fax:	rgregory@orsonandbrusini.com	Blackstone River Valley National Heritage Blackstone River Valley National Heritage Corridor, Inc.
Party Of Record	Gregory, Richard H	Blackstone River Valley National Heritage Corridor, Inc. 670 Linwood Ave. Unit #10 Whitinsville, MA 01588 Tel: 508-234-4242 Fax:	rgregory@orsonandbrusini.com	Blackstone River Valley National Heritage Blackstone River Valley National Heritage Corridor, Inc.
Party Of Record	Kravitz, Thomas J.	Town Of North Smithfield PO Box 248 Slatersville, RI 02876-02876 Tel: Fax:	tkravitz@nsmithfieldri.org	Town Of North Smithfield
Party Of Record	Kurtz, Devon	670 Linwood Avenue Whitinsville, MA 01588 Tel: Fax:	dkurtz@blackstoneheritagecorridor.org	Blackstone River Valley National Heritage Blackstone River Valley National Heritage Corridor, Inc.
Party Of Record	Laydon, Joseph	Town Of Grafton Grafton Municipal Center 30 Providence Road Grafton, MA 01519 Tel: 5088395335 x1120 Fax: 5088394602	laydonj@grafton-ma.gov	Town Of Grafton, Massachusetts

Party Of Record	Macdougall, Gordon P.	1025 Connecticut Ave., N.W. Washington, DC 20036 Tel: Fax:		Samuel J. Nasca For And On Behalf Of Smart- Transportation Division- New York State Legislative Board Samuel J. Nasca, On Behalf Of United Transportation Union-New York State Legislative Board
Party Of Record	Moore, Honorable Michael O.	State Senator State House, Room 215 Boston, MA 02133 Tel: Fax:		
Party Of Record	Moore, Honorable Michael O.	Massachusetts Senate State House, Room 109B Boston, MA 02133-1053 Tel: 617-722-1485 Fax:	Michael.Moore@MAsenate.gov	Honorable Michael O. Moore Second Worcester District
Party Of Record	Proft, Kevin	169 Main Street Woonsocket, RI 02895 Tel: Fax:	kproft@woonsocketri.org	City Of Woonsocket, Rhode Island
Party Of Record	Smith, Jennifer	United States Department Of The Interior, National Park Service 670 Linwood Avenue Whitinsville, MA 01588 Tel: 4015958394 Fax:	jennifer_smith@nps.gov	United States Department Of The Interior, National Park Service Blackstone River Valley National Historical Park
Non-Party	Renck, Kathleen M.	Fbn Securities 120 Broadway Ste. 1034 New York, NY 10271 Tel: 212-618-2332 Fax:	krenck@fbnsecurities.com	