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ENTERED
Office of Proceedings
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Public Record

October 9, 2019

By email

William Brennan, Ph.D.
Director
Office of Economics
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Notice of Public Hearing, *Railroad Revenue Adequacy*, Dockets No. Ex Parte 722, Ex Parte 761

Dear Dr. Brennan:

In the Board's September 12, 2019 Notice of Public Hearing in the above-referenced matter, the Board stated it will hold a public hearing on December 12, 2019, on revenue adequacy issues raised in the report issued by the Board's Rate Reform Task Force (RRTF) and invited interested parties to provide input on the RRTF's recommendations regarding revenue adequacy.

The referenced RRTF Report and Recommendations of April 15, 2019 ("the Report") includes data in Tables 5, 6, and 7 of the Report related to the possible "Rate Increase Constraint" proposed by the Task Force. The Association of American Railroads (AAR) requests that the work papers and related Waybill data used to generate Tables 5-7 on page 38 of the Report be made available to the following counsel and consultants for AAR for use in the above-referenced matter:

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In particular, we seek the work papers supporting the calculations for each railroad of: (1) the “average annual real surplus;” (2) the allocation of the surplus “among the various categories;” and (3) the resulting R/VC figures for each category. The work papers will be reviewed only by designated outside counsel and consultants, or others within Sidley, Steptoe, or FTI working under their supervision.

We understand that the work papers likely will include at least one year of the entire unmasked, confidential Waybill Sample. The identified counsel and consultants will of course abide by the customary confidentiality protections the Board requires for the release of that data set.

Sincerely,

/s/ Raymond Atkins

Raymond A. Atkins