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MARYLAND
WASHINGTON, D.C.
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Emried D. Cole, Jr.
(410) 244-7787
edcole@venable.com

November 2, 2001

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Re: **STB Ex Parte No. 586 -- Arbitrator Roster**



Dear Mr. Williams:

Pursuant to the Board's order dated September 18 and served September 20, 2001, I write to request that my name be included on the roster of arbitrators to be established by the Chairman of the Board pursuant to 49 CFR §1108.6. Enclosed with this letter are the following:

- A personal resume setting forth my educational and employment history.
- A brief statement of my experience in regulatory matters, including economic issues relating to rail transportation.
- A brief statement of my experience in alternative dispute resolution matters generally including specific experience as an arbitrator.
- A statement of my fees for service as an arbitrator.

The original and three copies of these materials are enclosed for filing. Please stamp the additional copy as filed and return it to me in the enclosed, stamped and self-addressed envelope.

Please let me know if any additional information is required or would be helpful.

Thank you for your attention to this matter.

Sincerely,

Emried D. Cole, Jr.

EDC/vyg
Enclosures
BA0DOCS1/97477.01

RAIL REGULATORY EXPERIENCE

EMRIED D. COLE, JR. was employed for 17 years in the Law Departments of CSX Transportation, Inc., and its predecessors, ultimately serving as Vice President, Law and Risk Management for its CSX Equipment Business Unit. In that capacity, Mr. Cole was responsible for all of the legal, political, safety and claims matters for what was then the nation's largest freight car fleet (c. \$2.5 billion in assets) and a work force of approximately 5,000 employees.

In prior positions, Mr. Cole was responsible for all of the commercial and regulatory legal affairs of Seaboard System Railroad, Inc., a major rail system with revenues of approximately \$3 billion. He participated personally and significantly in numerous legislative, regulatory and judicial proceedings resulting in significant economic deregulation of the rail industry and assisted in managing his client's transition from a wholly regulated to a competitive business environment. Mr. Cole tried and managed the trial, including appeals, of leading cases which determined how the rail industry would function in the significantly deregulated environment. He has worked extensively with numerous expert witnesses, including Nobel Prize winning economists, and developed strategies for both legislative initiatives of industry-wide application and theories for numerous cases of first impression involving economic regulatory issues.

During his railroad career, Mr. Cole became thoroughly familiar with the operations and management of his rail clients, including the sales and marketing and operations functions. He handled or was directly responsible for the handling of virtually every type of regulatory proceeding involving rail transportation, including applications for authority to abandon lines of railroad and specific services (such as TOFC service); construct lines of railroad; merge, consolidate or otherwise acquire rail properties; acquire trackage rights and other service authority; issue securities; exempt services from regulation and obtain general rate increases. His experience also includes a wide variety of complaint proceedings, including maximum rate reasonableness cases (principally involving bulk commodities such as coal, phosphate and grain, but also including numerous other commodities and ancillary services); rate and service discrimination; divisions of rates; car hire (per diem and mileage); demurrage and storage; adequacy of service and competitive access. He participated in numerous rulemaking proceedings involving maximum rate reasonableness; market dominance; car hire (per diem, mileage, incentive per diem and depreservation); cost of capital, revenue adequacy; costing standards; exemption from regulation; contract rates and others.

Since returning to private practice in 1990, Mr. Cole has represented rail, water, motor and non-carrier clients in a variety of transportation related matters. He has participated in proceedings before the Maryland Public Service Commission involving its regulation (and deregulation) of, steam, telecommunications, gas and electric utilities.

Mr. Cole is a member of the Association of Transportation Law, Logistics and Policy, for whom he has been a national seminar speaker on several topics and the National Association of Railroad Trial Counsel.

ALTERNATIVE DISPUTE RESOLUTION

EMRIED D. COLE, JR. advises clients concerning alternative dispute resolution ("ADR") generally and specific ADR applications to transactions and other commercial situations. He has drafted tailored ADR contractual provisions, including arbitration, mediation, structured negotiation, and mini-trials, to meet unique client needs.

Mr. Cole has served as an arbitrator in complex proceedings of significant economic value. He was retained by a major Class I railroad as a party designated arbitrator in two proceedings, both involving disputes arising under long-term coal transportation and supply contracts, each of which involved claims approximating \$100 million. Mr. Cole served as the sole neutral arbitrator in a complex case arising under a long-term development, manufacturing and distribution contract in the health care sector that required twenty-nine days of oral hearing and involved claims in excess of \$50 million. He has also served as a neutral arbitrator and mediator in proceedings before the American Arbitration Association involving sales of securities, goods and services, claims for property damages, dissolution of business entities, freight car rental rates, environmental remediation and other commercial disputes and has represented clients as an advocate in arbitration and mediation proceedings. Mr. Cole serves as a volunteer mediator in disputes before the Maryland Commission on Human Relations involving employment issues.

Mr. Cole has been a speaker and author on ADR issues and attended seminars and other programs on ADR topics, including a forty-hour mediation course, a twelve-hour advanced mediation course and an eight-hour arbitration course. He is a member of the National Panel of Commercial Arbitrators and the Maryland Mediation Panel of the American Arbitration Association and the Arbitrator and Mediator Panels of the National Association of Health Lawyers.

Personal Resume

of

EMRIED D. COLE, JR.

Home

16 Charlcoate Place
Baltimore, Maryland 21218
Phone: (410) 467-2028

Office

Venable, Baetjer and Howard, LLP
1800 Mercantile Bank & Trust
Building
Two Hopkins Plaza
Baltimore, Maryland 21201-2978
Phone: (410) 244-7787

EDUCATION:

College: Emory University, B.A. (high honors in history), 1967
--Phi Beta Kappa
--Omicron Delta Kappa

Law School: Harvard Law School, J.D., 1970

EMPLOYMENT SINCE LAW SCHOOL:

Venable, Baetjer and Howard, LLP
Baltimore, Maryland

2001 - **Partner**
1990 - 2000 **Of Counsel**

Practice includes negotiation and implementation of transactions involving creation of joint ventures and other new business entities, acquisitions and transfers of businesses and business interests and financing and commercial transactions; transportation, communications and regulatory law including antitrust; administrative and appellate litigation; and alternative dispute resolution. Major engagements include representation of a "Fortune 100" corporation in organization and management of domestic and foreign joint ventures in the logistics information sector and similar transactions in the health care and information technology sectors.

CSX Transportation, Inc. (and predecessors)

Baltimore, Maryland

Jacksonville, Florida

Louisville, Kentucky

1987 - 1990 **Associate General Counsel**

After reorganization of corporate legal function, responsible for all legal matters and public and political affairs of CSX Equipment business unit and all legal affairs of two other CSX Corporation subsidiaries. Managed litigation for two other CSX Corporation subsidiaries.

1986 - 1987 **Vice President-Law and Risk Management**

Chief Legal Officer, responsible for all legal matters and public and political affairs, reporting to CEO of CSX Equipment business unit managing nation's largest rail car fleet and related acquisition, repair and inspection activities (c. \$2.5 billion in assets). Managed safety and claims for 5,000 employees. Supervised staff of 11 (including five attorneys and three risk management professionals) and work of numerous retained counsel with annual departmental budget of c. \$14 million. Participated directly in all senior staff functions, including preparation of budgets and business and long range strategic plans.

1983 - 1986 **General Solicitor**

Reporting to Chief Legal Officer, managed all commercial and regulatory legal activities (including antitrust) of major rail system (c. \$3 billion annual revenues). Principal legal advisor to Sales and Marketing Department during period of transition from fully regulated to significantly deregulated business environment. Supervised staff of 9 attorneys and 2 paralegals and work of numerous retained counsel.

1977 - 1983 **General Attorney**

Broad regulatory trial and appellate practice with sole responsibility for cases involving up to \$50 million in annual revenues. Legal advisor to Sales and Marketing Department. Developed initial procedures and forms for contracting with customers. Handled numerous other matters (major bankruptcies and collections, e.g.) having commercial or regulatory implications.

1975 - 1977 **Assistant General Solicitor**

1973 - 1975 **Assistant General Attorney**

Administrative and appellate practice including finance and rate and service matters both in support of senior staff counsel and with sole responsibility for assigned cases. Advisor to Sales, Marketing and other departments.

Powell, Goldstein, Frazer & Murphy

Atlanta, Georgia

1970 - 1973 **Associate**

Practice primarily in trusts and estates, including taxation, with trust department (including corporate trust) of major regional national bank as primary client.

PROFESSIONAL AFFILIATIONS AND ADMISSIONS:

State Bar Associations of Maryland, Florida and Georgia

American Bar Association

Sections: Administrative Law and Regulatory Practice

Business Law

Dispute Resolution

Public Utilities, Communications and Transportation Law

Real Property, Probate and Trust Law

Taxation

Association of Transportation Law, Logistics and Policy

National Association of Railroad Trial Counsel

American Arbitration Association

National Panel of Arbitrators

Maryland Mediation Panel

Maryland Commission on Human Relations

Volunteer Mediator

Bar Association of Baltimore City

Admitted to practice before: Supreme Court of the United States
Fifth, Sixth, Seventh, Eleventh and
District of Columbia Circuit Courts
of Appeals

PUBLICATIONS

When Local Exchange Competition Calls:

A Survey of Competitive Local Exchange Access Issues; *Teletimes* (Spring, 1995)
(with R.A. Beizer and H. R. Frisby, Jr.)

SELECTED CIVIC ACTIVITIES:

Diakon Lutheran Social Ministries

Chair, Board of Directors

Lutheran Theological Seminary at Gettysburg

Member, Board of Directors

Finance Committee

PERSONAL

Place and Date
of Birth:

Hattiesburg, Mississippi
November 6, 1945

Family Status:

Married to Wandaleen Poynter Cole
1 son - Charles Toussaint Cole (born 6/26/85)

STATEMENT OF FEES

Mr. Cole's normal hourly fee for service as an arbitrator is \$290.00.