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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. NOR 42108

**THE SPRINGFIELD TERMINAL RAILWAY COMPANY
PETITION FOR DECLARATORY ORDER**

**SPRINGFIELD TERMINAL RAILWAY COMPANY'S SUPPLEMENTAL
OBJECTION TO
FORE RIVER WAREHOUSING & STORAGE
CO., INC.'S MOTION TO COMPEL**

NOW COMES Springfield Terminal Railway Company ("STRC"), by and through counsel, and submits the following Supplemental Objection to Fore River Warehousing and Storage Co., Inc.'s Motion to Compel discovery:

STRC has objected to Fore River's Motion to Compel on the grounds that the documents either were irrelevant to the issues before the STB, previously had been provided to Fore River with STRC's initial response, or already should be in the possession of Fore River as part of the normal business dealings between the parties prior to the proceedings. While the STB has not yet ruled on the Motion to Compel, with the exception of one category of documents, STRC has produced all of the requested documents so that the STB Petition could proceed.¹

The only documents currently in dispute are records between International Paper/Verso ("IP/Verso") and STRC reflecting the status of railcars either placed or released from storage in transit ("SIT") status by IP/Verso. Release of those confidential business records requires the consent of IP/Verso. IP/Verso has objected to releasing the documents. It is important to note

¹ Specifically, the Side Track Agreement, GTI Circular 1984 and Pan Am Circular 2004 were produced on November 13, 2009.

that while IP/Verso uses STRC to ship large quantities of roll paper to and from Fore River. IP/Verso also is Fore River's customer. Presumably, therefore, Fore River could request the documents directly from its customer. In any event, whether IP/Verso directs STRC to ship its products to Fore River directly from IP/Verso's facilities or directs STRC to ship railcars to Fore River which previously have been in SIT status is irrelevant to the issues before the STB.

STRC has sought in good faith to obtain IP/Verso's permission to release the requested documents. IP/Verso has refused. Similarly, STRC also is awaiting the production of the agreement between IP/Verso and Fore River which Fore River indicated would be produced with IP/Verso's consent. Presumably, that agreement also has not been produced because of IP/Verso's objection to its release.

WHEREFORE, STRC respectfully requests that the STB deny Fore River's Motion to Compel the IP/Verso documents and issue a Procedural Order establishing a filing date for Fore River's Reply Statement and STRC's Rebuttal Statement.

DATED at Saco, Maine this 14th day of December, 2009.

SMITH ELLIOTT SMITH & GARMEY,

BY: _____
Keith R. Jacques, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the foregoing Springfield Terminal Railway Company's Supplemental Objection to Fore River's Motion to Compel on all parties of record in this proceeding, by furnishing a copy to Daniel L. Rosenthal, Attorney for Fore River, Verrill & Dana, One Portland Square, P.O. Box 586, Portland, ME 04112 via electronic mail this 14th day of December, 2009, per agreement of the parties to use electronic filing.

Dated: December 14, 2009

Keith R. Jacques, Esq.
Attorney for Petitioner
Springfield Terminal Railway Company