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June 3, 2015

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: EP 665 (Sub-No. 1), *Rail Transportation of Grain, Rate Regulation Review*

Dear Ms. Brown:

The Association of American Railroads (“AAR”) notes that three of the interest groups that represent grain shippers that filed notices of intent to participate in the June 10, 2015 hearing in this proceeding have requested rebuttal time. The National Grain and Feed Association has asked for 5-7 minutes, the Alliance for Rail Competition, *et al.* have asked for 5 minutes and the Michigan Agri-Business Association has asked for 5 minutes.

The AAR objects to these requests as inappropriate for a public hearing. In contrast to an oral argument before the Board where parties have determined burdens of proof under the Administrative Procedure Act, rebuttal is generally not allowed in public hearings such as this one. Such requests for rebuttal provide practical problems as it is not entirely clear to whom those parties seek rebuttal and presupposes that those parties would get an affirmative opportunity to speak first, in addition to speaking in rebuttal.

As such, the Board should keep with its usual practice and limit parties to single presentations and not allow rebuttal testimony. In the event that the Board disagrees and grants the shipper interests’ request, the AAR would also request rebuttal time in order to put all interested parties on a level playing field.

Respectfully submitted,

Timothy J. Strafford
Counsel for the Association
of American Railroads