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Subject: Ag contract summaries

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Chairman Elliott,

Tom Brugman informed me last week that the NS has requested that they be exempt from having to file their Ag contracts with the STB. I believe this was a provision that Congress put into law to "protect" agricultural shippers from becoming uncompetitive after the passage of the Staggers Act. While I understand that few companies look at these contracts each month, I think the information is still valuable for the industry.

I'm writing to push for two things:

1. That carriers be required to provide the level of detail in these contracts that they are supposed to make public
2. Express my objection to letting any Class I carrier get out of their obligation to make ag contracts public

I have expressed my frustration to the Office of Consumer Assistance regarding the lack of detail that ends up getting published with these reports. Carriers are required to publish the origin and destinations that are a part of these contracts. A number of carriers publish "ranges" of origins to ranges of destinations. Here is an example is of an origin from the BNSF's report.

"All BNSF US Stations as listed in: See Tariff item 4022"

How does one gather any intelligent information from this type of reporting? Supposedly, the STB has sent a letter to the BNSF reminding them to provide the actual origin and destinations when they publish their contracts. They have not changed how they publish their contracts. I have to believe that the number of "hits" that come into this site are being impacted by the level of detail that gets reported. By the way, how come the BNSF does not have any published contracts in the second quarter?

I would ask that the STB follow through and get the Class I's to publish contracts that have the required amount of detail. I would fine them if they do not follow through.

Finally, I would like to see the STB reject the NS' petition to op out of having to file their contracts. If one of the Class I's get out from having to file, I suspect you will see the rest of them follow suit. This leaves the Ag industry left to wonder what types of deals the railroads have cut with industry players. I don't think Congress would be glad to know that a provision that they put into law to incent competition among players will become a thing of the past if any of the Class I' gets out of having to report.

I would ask that you consider my requests above as you deliberate what actions the Board will take.

Regards,

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