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August 4, 2014

ENTERED
Office of Proceedings
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Rachel D. Campbell
Director, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: HAMP, Inc. v. CSX Transportation, Inc., STB Docket No. 35832

Dear Ms. Campbell:

This letter responds to HAMP, Inc's ("HAMP's") "Certificate of Discovery", filed in the above-referenced docket on July 31, 2014. The Board has yet to rule on the Petition for Declaratory Order ("Petition") filed by CSX Transportation, Inc. ("CSXT") on June 3, 2014.¹ Accordingly, there is no proceeding at this time, and CSXT does not intend to respond to HAMP's unauthorized discovery requests.

Moreover, assuming the Board does initiate a declaratory order proceeding in response to CSXT's Petition, discovery is not automatic, and in fact is not ordinarily permitted in preemption cases. As CSXT made clear in its petition, this matter presents legal issues, for which discovery is not necessary. *See* CSXT Petition for Declaratory Order, STB Docket 35832 (June 3, 2014) at 16 ("Petition").² Each of HAMP's state claims is facially preempted by ICCTA, and therefore the issues presented to the Board are legal in nature and can be addressed without the need for discovery.

¹ HAMP's filings in the Virginia State Court proceeding acknowledge that the Board has not yet acted on CSXT's petition.

² Contrary to HAMP's assertion in its state court filing, CSXT did not propose a discovery schedule in its Petition. Rather, CSXT's filing explicitly requested that the Board not order discovery in this matter. Petition at 16.

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Because the Board has not yet acted upon CSXT's Petition and has not yet initiated a proceeding, CSXT declines to respond to HAMP's discovery requests at this time.³

Sincerely,



G. Paul Moates
Hanna M. Chouest

cc: Mark A. Moorstein
Courtney B. Harden
Mariam W. Tadros

³ Nothing in this letter is intended to waive any of CSXT's rights to challenge the content of HAMP's discovery requests should those requests be permitted if a declaratory order proceeding is initiated.