

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

M&G POLYMERS USA, LLC)		233410
)		
Complainant,)		ENTERED
)		Office of Proceedings
v.)	Docket No. 42123	November 28, 2012
)		Part of
CSX TRANSPORTATION, INC.)		Public Record
)		
Defendant.)		
)		

**MOTION FOR LEAVE TO PARTICIPATE AND FILE COMMENTS AS
AMICUS CURIAE OF THE WESTERN COAL TRAFFIC LEAGUE**

The Western Coal Traffic League (“WCTL”) hereby requests the Board grant it leave to participate as *amicus curiae* to file the appended Comments, and in support hereof states as follows:

1. In the Board’s decision served on September 27, 2012 (“*September Decision*”), the Board asked for comments from the parties to this proceeding concerning the “refined” qualitative market dominance methodology set forth in its *September Decision*.

2. In its decision served on October 25, 2012, the Board ruled that, in addition to the parties, “[o]ther interested parties may submit their comments [concerning the Board’s “refined” qualitative market dominance methodology] along with a motion to participate as *amicus curiae*, but will not be permitted to intervene as parties to this private rate dispute.” *Id.* at 3 n.10.

3. WCTL has a substantial interest in the matters that are the subject of the Board's *September Decision*. WCTL as an organization, and many of its individual members, have been actively involved for over 30 years before the agency in proceedings involving market dominance issues.

4. WCTL seeks leave to file the appended Comments as *amicus curiae*, and not to intervene as a party, to address the issues on which the Board has asked for public comments. These comments do not seek to broaden the issues involved in this proceeding and will not prejudice either party to this case.

WHEREFORE, WCTL respectfully requests leave to file the appended Response.

WESTERN COAL TRAFFIC LEAGUE

OF COUNSEL:

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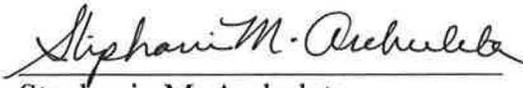
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Dated: November 28, 2012

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this 28th day of November, 2012, I have caused copies of the forgoing Motion to be served via first-class mail, postage prepaid upon all parties of record to this case.


Stephanie M. Archuleta