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SERVICE DATE – LATE RELEASE FEBRUARY 19, 2016

SURFACE TRANSPORTATION BOARD

ORDER OF PRESIDING ADMINISTRATIVE LAW JUDGE SCHEDULING DISCOVERY
CONFERENCE

Docket No. FD 35842

NEW ENGLAND CENTRAL RAILROAD, INC.—TRACKAGE RIGHTS ORDER—
PAN AM SOUTHERN LLC

Decided: February 19, 2016

By a decision served on February 12, 2016 (Order No. 44759), the Board assigned and authorized Administrative Law Judge Steven A. Glazer of the Federal Energy Regulatory Commission to entertain and rule upon discovery matters and to resolve all disputes concerning discovery in this proceeding.

Notwithstanding the scheduling of the preliminary discovery conference ordered below, the parties are strongly encouraged to make intensive, good faith efforts to resolve outstanding discovery disputes without the need for judicial intervention, both prior to the conference and thereafter. Any questions pertaining to this discovery proceeding should be directed to Judge Glazer's law clerk, Andrew Satten, who may be contacted at (202) 502-6703 or andrew.satten@ferc.gov.

It is ordered:

1. A preliminary discovery conference is scheduled for March 4, 2016, at 10 a.m. in a hearing room to be designated at the Federal Energy Regulatory Commission. This conference will be held on the record. All parties to the discovery disputes are directed to attend.

2. In light of the Board's concurrently issued decision on February 12, 2016 (Order No. 44790) denying New England Central Railroad, Inc.'s (NECR) Methodology Motion and its Supplemental Motion for a protective order limiting discovery, the parties shall meet and confer to produce information that is applicable to all methodologies. The parties shall give to the Administrative Law Judge at the preliminary conference a joint procedural schedule setting the dates for the meeting and a deadline for compliance with the meeting's results. The schedule shall also set a date for identifying and producing any remaining disputed information to the Administrative Law Judge for *in camera* inspection and disposition.

By the Board, Steven A. Glazer, Administrative Law Judge.