

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 558 (Sub-No. 14)

RAILROAD COST OF CAPITAL—2010

Digest:¹ The agency is initiating a proceeding in which certain of the nation's largest railroads must, and other interested parties may, provide comments to assist the Board in determining the railroad industry's cost of capital for 2010. The cost-of-capital figure represents the Board's estimate of the average rate of return needed to persuade investors to provide capital to the rail freight industry. This figure, which is calculated each year, is an essential component of many of the agency's core regulatory responsibilities.

Decided: February 18, 2011

By this decision, we are instituting a proceeding to determine the railroad industry's cost of capital for 2010. The most recent finding regarding the railroad industry's cost of capital was made in Railroad Cost of Capital—2009, EP 558 (Sub-No. 13) (STB served Oct. 29, 2010), which determined the industry's 2009 cost of capital. The cost of capital finding made in this proceeding will be used in the determination of railroad revenue adequacy for 2010. It may also be used in other Board railroad proceedings, including, but not necessarily limited to, those involving the prescription of maximum reasonable rate levels; the determination of trackage rights compensation; proposed abandonments of rail lines; railroad mergers; and applications to purchase feeder lines.

The Cost of Capital for 2010

In this proceeding, we seek comment on the following issues: (1) the railroads' 2010 current cost of debt capital; (2) the railroads' 2010 current cost of preferred equity capital (if any); (3) the railroads' 2010 cost of common equity capital; and (4) the 2010 capital structure mix of the railroad industry on a market value basis. Our conclusions regarding these matters will be used in our computation of the industry's overall, or composite, cost of capital for 2010.²

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

² The current cost of debt and market-value based capital structure mix will be used in this cost-of-capital determination. For purposes of consistency, the current cost of preferred
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The railroad industry's cost of capital will be determined on the basis of data for a sample of railroads. Using the criteria set forth in Railroad Cost of Capital—1984, 1 I.C.C. 2d 989 (1985), a railroad will be included in the sample base if it meets all of the following criteria during 2010:

- The company is a Class I line-haul railroad.
- If the Class I railroad is controlled by another company, the controlling company is primarily a railroad company and is not already included in the study frame.³
- The company's bonds are rated at least BBB by Standard & Poor's and Baa by Moody's.
- The company's stock is listed on either the New York or the American Stock Exchange.
- The company has paid dividends throughout 2010.

All railroads that meet these criteria shall be included in the sample base for this proceeding. Due to the acquisition of BNSF Railway Company (BNSF) by Berkshire Hathaway, Inc., in the beginning of 2010, it is our expectation that BNSF will not be included in the 2010 sample base because BNSF does not meet the above criteria.

Comments should focus on the various cost of capital components listed above using the methodology followed in Railroad Cost of Capital—2009.

Procedural Matters

All Class I railroads that meet the criteria described above shall be respondents in this proceeding. They shall, and other interested parties may, submit evidence to enable the Board to update the cost of capital findings in Railroad Cost of Capital—2009. Two copies of all underlying workpapers and background material used to develop that evidence shall be furnished to the Board and be made available, upon request, to other participants in this proceeding. The data and information contained in the submitted workpapers must be sufficient to allow replication of the calculations contained therein.

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equity, if any, will also be used. No consideration will be afforded to evidence depicting the embedded costs of debt or preferred equity or the book value capital structure mix.

³ A company is considered to be primarily in the railroad business if at least 50% of its total assets are devoted to railroad operations.

Railroads and others that intend to participate in this proceeding shall file an original and one copy of a notice of intent to participate with the Board by the date specified below. Evidentiary statements are to be filed with the Board on or before the dates set forth below. Comments may be submitted either via the Board's e-filing system or in the traditional paper format. Any person using e-filing should comply with the instructions at the E-FILING link on the Board's website, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 558 (Sub-No. 14), 395 E Street, S.W., Washington, DC 20423-0001. In addition, the evidence contained in the statement shall be submitted on a compact disc or a 3.5-inch disk, in MS Word 2003 or its equivalent, and spreadsheets shall be in MS Excel 2003 or its equivalent.

Notices of intent to participate will be due by March 8, 2011. Statements of the railroads will be due by April 29, 2011. Statements of other interested persons will be due by May 19, 2011. Rebuttal statements by the railroads will be due by June 8, 2011.

Environmental and Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is instituted pursuant to 49 U.S.C. § 10704(a)(2) to determine the railroad industry's cost of capital for 2010. Evidence on this matter is required of all Class I railroads that meet the criteria of a sample railroad as described in Railroad Cost of Capital—1984, and comments are invited from all other interested persons.

2. Notices of intent to participate are due by March 8, 2011. Statements of the railroads are due by April 29, 2011. Statements of other interested persons are due by May 19, 2011. Rebuttal statements by the railroads are due by June 8, 2011.

3. Notice of this decision will be published in the Federal Register on February 24, 2011.

4. This decision is effective on its service date.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.