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SEC

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SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 646 (Sub-No. 1)

SIMPLIFIED STANDARDS FOR RAIL RATE CASES

Decided: November 6, 2006

In a decision served on July 28, 2006, the Board issued a Notice of Proposed Rulemaking (NRPM) seeking public comments on a proposal to revise and clarify its standards and procedures for resolving “those cases in which a full stand-alone cost presentation is too costly, given the value of the case.” 49 U.S.C. 10701(d)(3). As discussed in the NPRM, the Board proposed to create a simplified stand-alone cost procedure to use in medium-size rate disputes, retain the Three-Benchmark method, with certain modifications and refinements, for small rate disputes, and establish eligibility presumptions based on the maximum value of the case to distinguish between large, medium-size, and small rail rate disputes.

In opening comments filed on October 24, 2006, the U.S. Department of Agriculture (USDA) included in its appendix, Table 1, Sample Movements of Wheat, 2004. Information contained in this table identifies individual railroad information from the masked confidential Waybill Sample. Pursuant to 49 CFR 1244.9(b)(2), information from the masked confidential waybill may not be released to the public unless the data elements are aggregated to contain at least three shippers and to prevent identification of an individual railroad. Accordingly, Table 1 will be stricken from the record. The parties are directed to remove Table 1 from their copies of the comments and to destroy it. Any confidential waybill information contained in Table 1 shall not be reproduced or used in any manner.

It is ordered:

1. Table 1 of USDA’s opening comments is stricken from the record, and all parties shall remove Table 1 from their copies of the comments and destroy that table.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary