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June 13, 2016

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Office of Proceedings
June 13, 2016
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By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: *Docket No. FD 36005 – KCVN, LLC and Colorado Pacific Railroad, LLC – Feeder Line Application – Line of V AND S Railway, LLC, Located in Crowley, Pueblo, Otero and Kiowa Counties, Colorado*

Dear Ms. Brown:

Bartlett Grain Co., LP (“Bartlett”), which is not a party to this proceeding and is not by this letter seeking authority to intervene for any purposes, asks the Board to accept this brief response to the “Motion of V AND S Railway, LLC for Issuance of Third Party Subpoenas,” filed on May 25, 2016. One of the proposed subpoenas attached to the Motion is directed to an employee of Bartlett, Mr. Joe Griffith, Bartlett’s General Director of Transportation. Mr. Griffith provided a verified statement in support of the Feeder Line Application filed by KCVN, LLC and Colorado Pacific Railroad.

Bartlett strongly objects to V&S’s attempt to harass our company with broad and intrusive discovery requests for confidential and proprietary business information that have no relevance to the issues in this proceeding and are not justified by Mr. Griffith’s statement. Mr.

Griffith's statement merely explained what V&S already well knows: that Bartlett is a large grain shipper with elevators located on the Towner Line that has used rail service in the past, and would probably use it again if rail service was restored. Mr. Griffith's statement neither stated nor implied that Bartlett has considered any specific volumes of grain it might ship by rail, or the terms under which any future rail transportation would take place. Accordingly, the proposed subpoena is wholly unnecessary and is obviously an attempt to harass and intimidate Bartlett and Mr. Griffith. Accordingly, Bartlett respectfully asks the Board to deny the motion as it applies to Bartlett. If any subpoena issued, Bartlett will vigorously oppose it.



Robert Knief
President
Bartlett Grain Company, LP

Cc: Counsel for V&S Railway
Karl Morell, Esq.
The Honorable John P. Dring
Counsel for KCVN, LLC and Colorado Pacific Railway, LLC
Thomas W. Wilcox
(via email and regular mail)