



Surface Transportation Board  
Washington, D.C. 20423-0001

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January 3, 2013

Mr. Roger Nober  
Executive Vice President, Law & Secretary  
BNSF Railway Company  
P.O. Box 961039  
Fort Worth, TX 76131-2830

Dear Mr. Nober,

By letter to Chairman Daniel Elliott dated September 13, 2012, you confirmed on behalf of Berkshire Hathaway Inc. (Berkshire) that at the time that Berkshire acquired BNSF Railway Co. (BNSF), Berkshire had a controlling interest in two other short line railroads – the CBEC Railway Inc. (CBEC) and the White City Terminal Union (WCTU). Because of Berkshire's controlling interest in these two other short line railroads, its purchase of BNSF required Board approval under 49 U.S.C. § 11323. In a follow up letter, you stated that Berkshire intended to correct its failure to seek approval by expeditiously divesting its controlling interest in the two short line railroads by December 31, 2012.

By letter dated November 16, 2012, you informed me that MidAmerican Energy Company (a Berkshire subsidiary) had completed the sale of its interest in the CBEC to Central Iowa Power Cooperative and Corn Belt Power Cooperative. Likewise, by letter dated December 18, 2012, you informed me that Marmon Transportation Services LLC (a Berkshire subsidiary) had completed the sale of its interest in WCTU to RVTR Rail Holdings LLC. In both instances, you stated that none of the purchasers is a rail carrier or possesses a controlling interest in any other rail carriers.

Based on your representations, these sales by Berkshire constitute the divestiture of its interest in CBEC and WCTU to non-carriers. Issues regarding the effect of Berkshire's unauthorized control prior to this divestiture are being considered by the Board in *Western Coal Traffic League—Petition for Declaratory Order*, Docket No. FD 35506.

Please do not hesitate to contact me at 202-245-0238 should you have any questions.

Sincerely,

Lucille L. Marvin  
Director