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May 9, 2016

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VIA E-FILING

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

ENTERED
Office of Proceedings
May 9, 2016
Part of
Public Record

Re: Finance Docket No. 35842
New England Central Railroad Inc. – Trackage Rights Terms and Conditions –
Pan Am Southern LLC

Dear Ms. Brown:

I am writing on behalf of Pan Am Southern LLC (“PAS”) to inform you that PAS and New England Central Railroad, Inc. (“NECR”) (the “Parties”) have settled all of the outstanding discovery disputes that were the subject of PAS’s August 3, 2015 motion to compel, the Surface Transportation Board’s February 12, 2016 order (“Order”), and the April 18, 2016 supplemental motion to compel. As a result of the Order and the efforts of Judge Glazer of the Federal Energy Regulatory Commission, the Parties have engaged in continuous ongoing efforts to resolve the outstanding discovery disputes. All such disputes have been amicably resolved. Thus, PAS withdraws its August 3rd and April 18th motions to compel and no longer sees a need for the May 10, 2016 discovery hearing.¹

Respectfully submitted,



William A. Mullins
Attorney for Pan Am Southern LLC

cc: Judge Glazer
Michael Kellermann
Parties of Record

¹ While NECR has not yet finished production, PAS accepts NECR’s commitment to do so shortly.