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July 27, 2015

## VIA E-FILING

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

Re: New England Central Railroad, Inc. -  
Trackage Rights Terms and Conditions -  
Pan Am Southern LLC  
STB Docket No. FD 35842

Dear Ms. Brown:

We are writing this letter in response to the letter filed by Pan Am Southern LLC (“PAS”) yesterday requesting a suspension of both the procedural schedule and all discovery pending a decision by the Board on the Motion for Preliminary Determination of Appropriate Methodology (the “Motion”) filed by New England Central Railroad, Inc. (“NECR”) on July 16, 2015.

As indicated in the PAS letter, NECR does not oppose the suspension of the procedural schedule for the submission of the PAS Reply and the NECR Rebuttal pending disposition of the Motion.

PAS indicates in its letter that it does not believe that NECR’s responses to PAS’s discovery requests are adequate. NECR does not agree and believes that it has responded as required, and that its redactions of non-responsive material were appropriate. As provided for in the Board’s regulations, NECR is willing to discuss with PAS any issues PAS has with the responses. We understand that if the parties cannot resolve the issues, then PAS would need to file a motion to compel, and the Board may need to decide whether the responses are adequate.

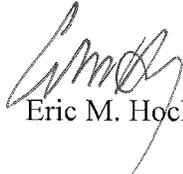
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However, NECR believes that allowing discovery to proceed under the Board's regulations would allow any such disputes to be resolved and discovery to be progressed while the Motion is pending, thus allowing the schedule to be completed more expeditiously once the Motion has been decided. As part of the Motion, NECR has sought a protective order against having to respond to certain requests for production of documents to the extent they are relevant only to the methodology that NECR asserts is inappropriate. Since those requests are already in dispute, of course, PAS would not be required, and should not be permitted, to file a motion to compel with respect to those requests until the Motion is decided by the Board.

Accordingly, NECR agrees that the procedural schedule should be suspended pending disposition of the Motion, but believes that discovery should not be suspended except as subject to the Motion.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e

cc: All persons on the attached certificate of service

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 35842

**NEW ENGLAND CENTRAL RAILROAD, INC.  
- TRACKAGE RIGHTS ORDER -  
PAN AM SOUTHERN LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing letter to the Board on behalf of New England Central Railroad, Inc. was served on this date by the method indicated below:

By email on:

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Dated: July 27, 2015

  
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Eric M. Hocky