

236809

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35848

WISCONSIN & SOUTHERN RAILROAD L.L.C.
--ACQUISITION AND OPERATION EXEMPTION--
UNION PACIFIC RAILROAD COMPANY

MOTION TO REJECT AND REPLY TO FRIENDS FOR RESPONSIBLE RAIL
DEVELOPMENT

ENTERED
Office of Proceedings
October 10, 2014
Part of
Public Record

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RAILROAD L.L.C.

Dated: October 10, 2014

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Motion to Reject

Wisconsin & Southern Railroad L.L.C. ("WSOR"), respectfully urges the Surface Transportation Board ("Board") to reject the filing made by William P. Breitsprecher ("Mr. Breitsprecher") on behalf of Friends for Responsible Rail Development.¹ Mr. Breitsprecher is neither an attorney nor a qualified Practitioner and, therefore, not entitled to practice before the Board. *See* 49 C.F.R. Part 1103. The Board's rules are intended, in part, to preclude individuals, like Mr. Breitsprecher, from using the Board's proceedings to disparage state and local governmental entities, public employees and private individuals. Mr. Breitsprecher appears to be a disgruntled individual with a vendetta against the Governor of Wisconsin and a professional troublemaker.² The local press has come to ignore his rantings and the Board should do likewise by rejecting his filing.

¹ The Board's website shows Mr. Breitsprecher's filing as having been made on September 13, 2014. But that was a Saturday and the Board does not accept filings on Saturdays. In addition, the filing did not appear on the Board's website until October 2, 2014.

² He has twice been arrested for disorderly conduct. *See* Exhibit 1.

Reply

In the event, the Board does not reject the filing, WSOR offers the following brief comments. The filing contains numerous erroneous and highly misleading statements. WSOR, however, will limit its reply to the following matters.

In Finance Docket No. 35573, Watco Holdings, Inc. and Watco Transportation Services, L.L.C. (collectively "Watco"), obtained Board authority to control WSOR. In filing its Notice of Exemption, Watco followed the Board's procedures and the Board, in turn, appropriately granted the exemption. The Notice was filed on November 29, 2011, and was not fast-tracked over the Christmas Holiday Season, as Mr. Breitsprecher alleges. Rather, the Notice went into effect 30 days after it was filed which is standard practice under 49 C.F.R. § 1180.2(d)(2). Mr. Breitsprecher also alleges that material facts were withheld from the Board by Wisconsin Department of Transportation and Watco. Presumably, the withheld fact is that the former owner of WSOR, William Gardner, had pled guilty to a campaign money laundering scheme. But that fact was public knowledge when Watco filed its Notice and Mr. Gardner's prior activities are totally irrelevant to Watco's acquisition of WSOR. In any event, Mr. Gardner is no longer with WSOR or any Watco entity.

Mr. Breitsprecher would have the Board believe that there is a grand conspiracy among various Wisconsin government entities to withhold the information he needs to seek reopening of the Board's decision in Finance Docket No. 35573. The Wisconsin River Rail Transit Commission ("WRRTC") is a public entity that holds monthly open meetings. Meeting minutes and agendas are posted on its website. The rail lines involved in this proceeding are predominately located in Sauk County and are represented by the Pink Lady Rail Transit Commission ("PLRTC"). The PLRTC meets four times a month in open session with

opportunities for members of the public to attend and air their opinions. WRRTC and PLRTC are represented by local public officials from city and county governments. These and other public entities Mr. Breitsprecher wrongfully assails are not part of a grand conspiracy but are working diligently to preserve and promote rail service in Wisconsin and northern Illinois.

The rail lines involved in this proceeding are not dormant as Mr. Breitsprecher suggests. WSOR has operated over these lines since 1996. Currently, WSOR provides daily service along the rail lines. Mr. Breitsprecher contention that this case "is likely all about frac sand mining" is nonsensical. WSOR does not transport frac sand over these lines and does not anticipate a demand for such movements. The commodities transported over these lines include plastic, steel, grain, fertilizer, lumber, paper and aggregate.

Finally, as to WSOR's planned construction project in Prairie du Chien, WSOR has delayed the project in order to comply with state and Federal permitting requirements.

In conclusion, WSOR respectfully urges the Board to reject the filing made by Mr. Breitsprecher. The filing is obviously politically motivated and the Board should not provide Mr. Breitsprecher a platform to disparage local and state officials. Alternatively, the Board should deny the relief requested by Mr. Breitsprecher.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

Karl Morell
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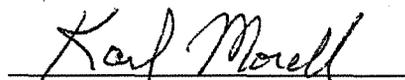
Counsel for WISCONSIN & SOUTHERN RAILROAD COMPANY

Dated: October 10, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Reply has been served on the following individual by first class mail this 10th day of October, 2014:

William P. Breitsprecher
318 W Main Street
Sun Prairie, WI 53590


Karl Morell

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State of Wisconsin vs. William P Breitsprecher

Printable Version (PDF)

Dane County Case Number 2012FO001574

what is RSS?

Filing Date 07-09-2012 Case Type Non-Traffic Ordinance Violation Case Status Closed

Court Record Events

- Ascending Date Order
Descending Date Order

Defendant Date of Birth Address

Branch Id 16 DA Case Number 2012DA007595

Case(s) Cross-Referenced With This Case 2012FO001573

Charge(s)

Table with 5 columns: Count No., Statute, Description, Severity, Disposition. Row 1: 1, ADM2.14(2)(k), Disorderly Conduct, Forf. U, Dismissed on Prosecutor's Motion

View history and details of Charge(s)/Sentence(s)

Table with 4 columns: Responsible Official, Prosecuting Agency, Prosecuting Attorney, Defense Attorney. Row 1: St John, Rebecca, District Attorney, Freeman, Christopher E., Delyea, Anthony C.

Defendant

Defendant Name Breitsprecher, William P Date of Birth Sex Male Race Address Updated On 07-09-2012

JUSTIS ID Finger Print ID

Defendant Attorney(s) Attorney Name Delyea, Anthony C GAL No Entered 08-09-2012

Citations

Table with 4 columns: Citation P396425, Bond Amount \$263.50, Name Breitsprecher, William P, Address, Plate Number, Issuing Agency, Plaintiff Agency, State of Wisconsin, Deposit Type, Appearance Date and Time, Date of Birth, Expiration, Violation Date, Statute, Mandatory, Sex, Address Updated On, VIN, MPH Over, Charge Description Disorderly Conduct

Severity
Forf. U

¹ The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.
² Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

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State of Wisconsin vs. William P Breitsprecher [Printable Version \(PDF\)](#)
Dane County Case Number 2012FO001573

[What is RSS?](#)

| | | | |
|--|---|------------------------------|--|
| Filing Date 07-09-2012 | Case Type Non-Traffic Ordinance Violation | Case Status Closed | Court Record Events |
| Defendant Date of Birth [REDACTED] | Address [REDACTED] | | <input type="radio"/> Ascending Date Order <input checked="" type="radio"/> Descending Date Order |
| Branch Id 16 | DA Case Number 2012DA007595 | | |

Case(s) Cross-Referenced With This Case
[2012FO001574](#)

Charge(s)

| Count No. | Statute | Description | Severity | Disposition |
|-----------|---------------|--------------------|----------|----------------------------------|
| 1 | ADM2.14(2)(k) | Disorderly Conduct | Forf. U | Dismissed on Prosecutor's Motion |

[View history and details of Charge\(s\)/Sentence\(s\)](#)

| | | | |
|---|--|--|-------------------------|
| Responsible Official St John, Rebecca | Prosecuting Agency District Attorney | Prosecuting Attorney Freeman, Christopher E. | Defense Attorney |
|---|--|--|-------------------------|

Defendant

| | | | |
|---|------------------------------------|--------------------|---|
| Defendant Name Breitsprecher, William P | Date of Birth [REDACTED] | Sex Male | Race [REDACTED] |
| Address [REDACTED] | | | Address Updated On 07-09-2012 |
| JUSTIS ID | Finger Print ID | | |

Citations

Citation P236213

| | | | |
|---|--|---|---|
| Bond Amount \$ 263.50 | Deposit Type None | Appearance Date and Time 07-13-2012 at 10:00 am | Mandatory No |
| Name Breitsprecher, William P | | Date of Birth [REDACTED] | Sex Male |
| Address [REDACTED] | | | Address Updated On 07-09-2012 |
| Plate Number | State | Expiration | VIN |
| Issuing Agency Capitol Police | Officer Name | Violation Date 06-14-2012 | MPH Over |
| Plaintiff Agency State of Wisconsin | Ordinance or Statute Statute | Statute ADM2.14(2)(k) | Charge Description Disorderly Conduct |
| Severity Forf. U | | | |

¹ The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.
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