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January 30, 2015

237655

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

ENTERED
Office of Proceedings
January 30, 2015
Part of
Public Record

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

Dear Ms. Brown:

By decision served December 23, 2014, the Board instituted a proceeding for the purpose of setting new terms and conditions governing the trackage rights that Pan Am Southern LLC (PAS) has over a New England Central Railroad, Inc. (NECR) owned railroad line in Vermont, New Hampshire, and Massachusetts and ordered the parties to confer and submit a pleading by January 22, 2015, addressing the proposed scope and procedural schedule for the proceeding. On January 20, 2015, NECR submitted, with PAS's consent, a request that the deadline for the submission of a procedural schedule be extended until January 30, 2014. By a stamped decision, Director Campbell granted the extension.

Since that time, the parties have been in negotiations over a proposed joint schedule and other issues. NECR and PAS both believe that meaningful and substantive negotiations should take place to help resolve these issues. To facilitate those negotiations, NECR and PAS believe that this proceeding is precisely the type of proceeding that could be resolved through use of the Board's mediation procedures set forth at 49 CFR § 1109. Accordingly, pursuant to 49 CFR § 1109.2(b) and in response to the Board's order, NECR and PAS suggest the following procedural schedule.

1. D = Publication of Board schedule.
2. D + 25 – Board sponsored first mediation session to be held on or before.
3. D + 60 – if mediation is unsuccessful, NECR submits its opening statement and its suggested draft of a trackage rights agreement(s) on all terms for which the parties cannot agree.

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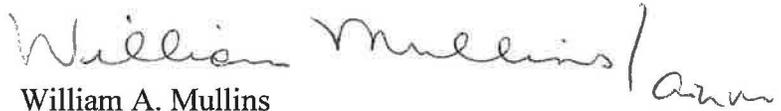
4. D+120 – PAS replies to NECR's opening statement and submits its suggested trackage rights agreement(s) and evidence on all terms on which the parties cannot agree.
5. D + 150 – NECR files a rebuttal.

The parties agree that any new compensation determined either in mediation or by the Board will be retroactive to the date of NECR's filing with the Board of its Request to Set Trackage Rights Terms and Conditions.

Counsel for NECR authorizes me to advise the Board that he joins in this request and agrees with the schedule as proposed herein.

We believe this schedule presents an opportunity for both parties to try and reach a negotiated settlement; yet, provides parties with a full opportunity to make its case if a negotiated settlement is not reached.

Sincerely,


William A. Mullins
Counsel for Pan Am Southern LLC¹

cc: Eric M. Hocky
Parties of Record

¹ Pursuant to 49 CFR § 1103.4, please take this letter as official notice that William A. Mullins is entering an appearance as the authorized representative of PAS in this matter.