



**ASSOCIATION OF
AMERICAN RAILROADS**

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JUL 16 2010

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Public Record**

July 16, 2010

Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E St., S.W.
Washington, DC 20423

Re: Ex Parte No. 290 (Sub-No. 4), Railroad Cost Recovery Procedures—Productivity Adjustment and Ex Parte No. 290 (Sub-No.5), Quarterly Rail Cost Adjustment Factor (2010-2)

Dear Ms. Brown:

Pursuant to the Board's June 11, 2010 Notice in the above proceedings, opening comments of interested parties were due July 12, 2010. Opening comments were filed on July 12, 2010 by the Association of American Railroads ("AAR") and by the Western Coal Traffic League.

Also on July 12, 2010, West Fraser Mills, Ltd. and Canadian Forest Products Ltd. ("Canfor"), by letters to the Board, requested additional time to "review" the impact on their businesses of the Board's proposal in these proceedings stating that they had just received notice of these proceedings on July 9th and July 12th respectively.

If the Board considers the letters from West Fraser Mills, Ltd. and Canfor as requests for an extension of time to file opening comments in these proceedings, the AAR takes no position on whether such requests should be granted. Nonetheless, if the Board is considering granting such requests, the AAR would not object to a brief extension that would not exceed two weeks (i.e. to July 26, 2010) provided that the current August 10, 2010 due date for reply comments be extended by the Board for the same time period (if any) granted to West Fraser Mills, Ltd. and Canfor to file opening comments.

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The AAR also wishes to make clear that, by this letter, the AAR is not addressing in any manner the substance or the merits of the "detrimental reliance" issue for which the Board sought comments in its Notice and this letter should not be construed as conceding any position on that issue.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Louis P. Warchot".

Louis P. Warchot
Counsel for the Association of
American Railroads