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March 18, 2010

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VIA E-MAIL

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

ENTERED  
Office of Proceedings  
MAR 18 2010  
Part of  
Public Record

Re: STB Docket No. 42117, *Cargill, Inc., et al v. Aberdeen & Rockfish Railroad Co., et al.*

Dear Ms. Brown:

We are counsel to defendant Cedar Rapids and Iowa City Railway Company ("CRANDIC"), and this letter is in response to the Board's decision served yesterday in this proceeding in which the Board stated that it expects all defendants to file a reply to the petition for mediation filed on behalf of complainants.

CRANDIC is a Class III carrier that operates on 50 miles of mainline track in Iowa. It has received since January 2006 less than \$850.00 in mileage equalization payments under Freight Tariff RIC 6007-Series from all shippers located on its lines, and to the best of its knowledge has received no revenues from complainants for movements of tank cars to repair facilities. As counsel to CRANDIC, we have sought through negotiations with complainants' counsel and counsel for the so-called AAR Defendants to create a procedure either for being dismissed from this case, or for staying CRANDIC's obligation to participate in the case at least until the damage phase in the event the Board were to find that any defendant has engaged in an unreasonable practice as alleged by complainants. CRANDIC will respond to the Motion to Stay filed on behalf of complainants in accordance with the Board's March 17 decision.

Because CRANDIC has no significant financial stake in this proceeding, CRANDIC does not intend to participate in the mediation process proposed by complainants and consented to by AAR Defendants. CRANDIC does not object to the principal parties to this proceeding engaging in mediation to resolve their dispute, provided there does not result from that process an order that

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FOLEY & LARDNER LLP

Ms. Cynthia T. Brown  
March 18, 2010  
Page 2

shifts responsibility to CRANDIC beyond the extent of its actual participation in the payments challenged in the complaint.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert P. vom Eigen", with a horizontal line extending to the right.

Robert P. vom Eigen

cc: All Known Parties of Record