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January 2, 2023

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

ENTERED
Office of Proceedings
January 3, 2023
Part of
Public Record

Re: EP 765, *Rulemaking to Establish Voluntary Arbitration for Small Rate Matters—Joint Carriers’ Petition for Stay*

Dear Ms. Brown:

I am writing in reference to the Petition for Stay filed on December 29, 2022 by the Joint Carriers in this matter.

Canadian Pacific¹ (CP) takes no position on the merits of the stay sought by the Joint Carriers. CP does continue to support the effort to find a workable, reasonable, and accessible Alternative Dispute Resolution (ADR) program for small rate cases, as CP stated in our January 25, 2021 letter to the Board in this docket, and CP believes that the Board’s December 19 decision and order in this docket was a constructive step in the direction of implementing such a program.

Nonetheless, CP sees opportunities to improve the ADR rules put forward in the December 19 decision and order. If the Board wishes to improve the chance that all Class 1s would opt in to a set of ADR procedures, CP sees wisdom in the Board adopting a process to create opportunities for the ADR rules to be improved, ideally before carriers must decide whether to opt in to those rules.

We respectfully ask that the Board accept this letter as a comment by CP, and to include it in the record. Thank you.

Sincerely,

/s/ Charles W. Webster

cc: Parties of Record

¹ Canadian Pacific is a trade name under which Canadian Pacific Railway Company and its United States subsidiaries, Soo Line Railroad Company, Dakota, Minnesota & Eastern Railroad Corporation, Delaware and Hudson Railway Company, Inc., and Central Maine & Quebec Railway US Inc. operate.