



KANSAS CITY SOUTHERN

[www.kcsouthern.com](http://www.kcsouthern.com)

DAVID C. REEVES  
ASSOCIATE GENERAL COUNSEL  
TEL. (816) 983-1387  
FAX (816) 983-1227  
E-MAIL: [dreeves@kcsouthern.com](mailto:dreeves@kcsouthern.com)

February 23, 2023

306202

VIA E-FILING

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

ENTERED  
Office of Proceedings  
February 23, 2023  
Part of  
Public Record

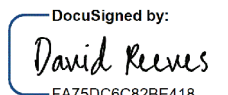
Re: Joint Petition for Rulemaking to Establish a Voluntary Arbitration Program for  
Small Rate Disputes  
STB Docket No. EP 765

Dear Ms. Brown:

The Kansas City Southern Railway Company (KCSR) had hoped to be able today to opt into a Small Rate Case Arbitration Program established by the Board in the above-captioned proceeding. However, as a result of other carriers' announced choice not to opt into the program while important issues are under review, and because of the Board's requirement that all Class I carriers opt in by February 23, there is, by terms of the Board's order, no program for KCSR to opt into. See Joint Petition for Rulemaking to Establish a Voluntary Arbitration Program For Small Rate Disputes, Docket No. EP 765 (served Dec. 19, 2022), slip op. at 7 ("If not all Class I carriers participate, the Board will not issue the notice commencing the new arbitration program, resulting in the program being inoperable,..."). Accordingly, KCSR is prevented by the Board's order from opting into an arbitration program that KCSR joined others in advocating to the Board.

KCSR hopes that, upon resolution of the issues recited in the pending petitions for reconsideration of the Board's December 19 decision, there will be an opportunity for individual Class I carriers to opt into a Small Rate Case Arbitration Program, a program that the Board has said is preferable to formal adjudication (such as Final Offer Rate Review).

Sincerely,

DocuSigned by:  
  
FA75DC6C82BE418...  
David C. Reeves

cc: Parties of Record