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State of Maine
Public Advocate Office

Railroad Service Quality Report
January 28, 2008



RAILROAD SERVICE QUALITY
Title 35-A, Section 1711
Subsection 7 – Repeal, Review & Authority for Legislation

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§1711. Railroad service quality

In addition to the authority and duties otherwise specified in this chapter, the Public Advocate shall seek to promote and enhance railroad freight service quality in accordance with this section. The Public Advocate shall undertake activities under this section only to the extent funding for those activities is available in the fund established under subsection 5. [PL 2005, c. 248, § 2 (NEW).]

1. Definition. As used in this section, unless the context otherwise indicates, "shipper" means a person or entity that uses railroad freight service.
[PL 2005, c. 248, § 2 (NEW).]

2. Tracking service quality. The Public Advocate shall collect data on the quality of railroad freight service in this State. The Public Advocate may conduct surveys or employ other methods to gather information provided on a voluntary basis by shippers. The Public Advocate shall collect and organize the data in accordance with a performance matrix designed to measure service quality. The Public Advocate shall consult with the Department of Transportation and with shippers in developing the performance matrix. On a schedule mutually acceptable to the Public Advocate and the department, the Public Advocate shall provide to the department regular reports on the quality of railroad freight service based on data collected pursuant to this subsection. The Public Advocate shall report the data in a manner that is consistent with subsection 4. Reports provided pursuant to this subsection are public records.
[PL 2005, c. 248, § 2 (NEW).]

3. Authority to take certain actions. In order to enhance and promote railroad freight service quality in this State the Public Advocate may:

A. Provide information to federal, regional and state agencies, groups and organizations and monitor federal and state regulatory actions of interest to Maine shippers; [PL 2005, c. 248, § 2 (NEW).]

B. Provide advice and assistance to shippers; [PL 2005, c. 248, § 2 (NEW).]

C. With the consent of the parties, facilitate or mediate railroad freight service disputes; and [PL 2005, c. 248, § 2 (NEW).]

D. Take any other appropriate actions consistent with the purposes of this section.
[PL 2005, c. 248, § 2 (NEW).]

4. Protection of persons supplying information; confidentiality. In order to encourage shippers to provide information to the Public Advocate under this section, the Public Advocate shall institute procedures to preserve the anonymity of shippers that provide railroad freight service quality information to the Public Advocate. Those portions of records obtained or kept by the Public Advocate pursuant to this section that

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RAILROAD SERVICE QUALITY

Title 35-A, Section 1711

Subsection 7 – Repeal, Review & Authority for Legislation

PL 2005, c. 248, § 2 (NEW) ME 04333

the Public Advocate determines would reveal the identity of a shipper that provides information to the Public Advocate under this section are confidential and are not public records pursuant to Title 1, section 402, subsection 3, paragraph B. If the Public Advocate determines that disclosure of information that would reveal the identity of a shipper would assist the Public Advocate in achieving the purposes of this section, the Public Advocate shall, prior to the disclosure, notify the affected shipper to allow the shipper to discuss the proposed disclosure. If the affected shipper objects to the disclosure of the information, the Public Advocate may not disclose the information. [PL 2005, c. 248, § 2 (NEW).]

5. Funding. There is created the Railroad Freight Service Quality Fund, referred to in this section as "the fund." Pursuant to Title 36, section 2625, the fund receives \$20,000 each year from the tax levied pursuant to Title 36, chapter 361. Expenditures from the fund are subject to legislative approval in the same manner as appropriations from the General Fund. Any balance in the fund in excess of that required for the purposes of this section does not lapse but is carried forward. Money in the fund may be expended by the Public Advocate only for the purposes of this section. [PL 2005, c. 248, § 2 (NEW).]

6. Report. The Public Advocate shall annually, no later than the first Monday in February, submit to the joint standing committees of the Legislature having jurisdiction over utilities and energy and transportation matters a report that includes the following:

A. A summary of railroad freight service quality data collected under subsection 2 and any actions taken pursuant to subsection 3; [PL 2005, c. 248, § 2 (NEW).]

B. An evaluation of the effectiveness of any actions taken under subsection 3 and the need for the authority granted under that subsection, together with any recommendations for modifications to that authority; and [PL 2005, c. 248, § 2 (NEW).]

C. An accounting of expenditures from the fund, prospective funding needs and any recommendations for changes in funding levels. [PL 2005, c. 248, § 2 (NEW).]

[PL 2005, c. 248, § 2 (NEW).]

7. Repeal and review. This section is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. In the report submitted that year pursuant to subsection 6, the Public Advocate shall make recommendations with regard to the continued need for the authority granted under this section. After reviewing that report, the joint standing committees of the Legislature having jurisdiction over utilities and energy and transportation matters may jointly report out legislation to the Second Regular Session of the 123rd Legislature concerning the subject matter of this section.

[PL 2005, c. 248, § 2 (NEW).]



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
EXECUTIVE DEPARTMENT
PUBLIC ADVOCATE OFFICE
112 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0112

RICHARD DAVIES
PUBLIC ADVOCATE

January 28, 2008

Senator L. Bartlett II, Senate Chair
Rep. Lawrence Bliss, House Chair
Joint Standing Committee on Utilities and Energy
122nd Maine Legislature
100 State House Station
Augusta, Maine 04333

Senator Dennis Damon, Senate Chair
Rep. Boyd Marley, House Chair
Committee on Transportation
122nd Maine Legislature
100 State House Station
Augusta, Maine 04333

RE: Annual Railroad Service Quality Report

Dear Senators Bartlett and Damon and Representatives Bliss and Marley,

In compliance with the provisions of Section 1711 of Title 35-A and the reporting requirement established by Section 1711(6), we forward for review by the Utilities and Energy Committee and by the Transportation Committee the third and final Railroad Service Quality Report. This service quality report presents information generated by four quarterly surveys of freight shippers in Maine and the 40 responses submitted in 2007. In addition to the 2007 responses, the Public Advocate has generated a report that complies with Section 1711 of Title 35-A that provides information on the funding that was authorized and received in 06/07 from the Department of Transportation, highlighted comments of railroad shippers from 2005 through 2007, copy of the survey and survey percentages.

Thank you for the opportunity of providing information about how freight shippers evaluate the adequacy of railroad service in Maine. I am available to respond to questions from Committee members at your convenience.

Respectfully submitted, -

Richard Davies
Public Advocate

cc: Sen. Barry Hobbins
Rep. Herbert Adams
Rep. Philip Curtis

Sen. Douglas Smith
Rep. Richard Blanchard
Rep. Kenneth Fletcher



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Rep. Stacy Allen Fitts
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Steve Hudson, Hudson & Hudson
Kathie Bilodeau, Transportation

Report of the Public Advocate on Railroad Service Quality 2008

A. INTRODUCTION

Under current provisions of Maine Law, the Public Advocate's Office is required annually to submit, no later than the first Monday in February, an annual report with the following information:

- A. A summary of railroad freight service quality data collected under subsection 2 and any actions taken pursuant to subsection 3;
- B. An evaluation of the effectiveness of any actions taken under subsection 3 and the need for the authority granted under that subsection, together with any recommendations for modifications to that authority; and
- C. An accounting of expenditures from the fund, prospective funding needs and any recommendations for changes in funding levels. (35-A M.R.S.A. Section 1711(6))

Subsection 2 of the law reads as follows:

- 2. **Tracking service quality.** The Public Advocate shall collect data on the quality of railroad freight service in this State. The Public Advocate may conduct surveys or employ other methods to gather information provided on a voluntary basis by shippers. The Public Advocate shall collect and organize the data in accordance with a performance matrix designed to measure service quality. The Public Advocate shall consult with the Department of Transportation and with shippers in developing the performance matrix. On a schedule mutually acceptable to the Public Advocate and the department, the Public Advocate shall provide to the department regular reports on the quality of railroad freight service based on data collected pursuant to this subsection. The Public Advocate shall report the data in a manner that is consistent with subsection 4. Reports provided pursuant to this subsection are public records.

Subsection 3 of the law reads as follows:

- 3. **Authority to take certain actions.** In order to enhance and promote railroad freight service quality in this State the Public Advocate may:
 - A. Provide information to federal, regional and state agencies, groups and organization and monitor federal and state regulatory actions of interest to Maine shippers;

- B. Provide advice and assistance to shippers;
- C. With the consent of the parties, facilitate or mediate railroad freight service disputes; and
- D. Take any other appropriate actions consistent with the purposes of this section.

The law also provides, at Section 4, for the treatment as confidential information any survey response that would reveal the identity of a shipper and, at Section 4, for a \$20,000 transfer from the Department of Transportation to cover all costs associated with these new responsibilities.

B. SURVEY METHODOLOGY

The Public Advocate staff sent out 93 surveys in each quarter in 2007 (372 in total) to businesses in Maine that regularly ship freight on railroads doing business in Maine. The survey questions on each occasion were identical and consisted of the following:

In the 12-month period ending December 31, 2007, please identify how many events in the following categories occurred, by railroad. Please identify each railroad by initials in one or both of the columns below, selecting from the following: EMR (Eastern Maine RR), SMO/MER (Maine Eastern RR), MMA (Montreal Maine & Atlantic RR), NBSR (New Brunswick Southern RR), SLAR (St Lawrence and Atlantic RR), GRS/ST (Guilford Rail System/Springfield Terminal):

	Railroad <u>X</u>	Railroad <u>Y</u>
1. <u>Late placements/on-time placements</u>		
• Number of on-time placements (occurring on the date for which ordered), of in-bound loads or cars released by shipper	_____	_____
• Number of late placements	_____	_____
• Average number of days late (total number of late days divided by total late placements)	_____	_____
2. <u>Cars requested/cars rejected by customer</u>		
• Number of empty cars requested in quarter	_____	_____
• Number of empty cars actually delivered	_____	_____
• Number of empties rejected for any reason	_____	_____
• Number of full cars requested in quarter	_____	_____
• Number of full cars actually picked up or delivered	_____	_____

- Number of times service was requested and not provided at all (as opposed to delayed) _____
- 3. Number of complaints
 - Number of individual complaints regarding service problems in Maine, other than a request for a switch or a car _____
 - Number of contacts with personnel of a Maine railroad concerning service problems _____
- 4. Other comments _____

These questions and the survey format generally resulted from consultations between the Public Advocate and his staff and individual freight shippers who comprise an informal association of rail consumers. The Public Advocate also consulted with the Office of Freight Transportation at Maine's Department of Transportation.

The surveys identified six railroads (Eastern Maine Railroad, Maine Eastern Railroad, Montreal Maine and Atlantic, New Brunswick Southern, St. Lawrence and Atlantic, and Guilford/Springfield Terminal) in these quarterly surveys. The total of 40 responses to the 372 quarterly surveys mailed in calendar 2007 indicates a response rate of 10.75%% - a very low response rate in comparison to earlier surveys. Unfortunately, for calendar year 2007 the Public Advocate Office observed a steady decline in responses to the quarterly survey.

C. SURVEY RESULTS

The following is a presentation of all the narrative comments received in 2007 from survey respondents.

1. Eastern Maine Railroad

- No comments

2. Guilford Rail Systems/Springfield Terminal

- We did not receive any rail cars in the past 3 months.
- Sorry, but our company _____ does not ship via rail - only receives.
- We were set up to be switched out 5 times a week - then Mon./Wednesday/Fri. - now it is when the railroad is so inclined to do so.

- Because of the strike in Canada on the Canada side propane was delayed by 5 wks - very slow moving on the USA side of thing went fairly good. Guildford - poor. MMA - good!
- GRS - Excellent.

3. Montreal Maine and Atlantic Railroad

- Our company has not used a railroad for any method of shipment in this timeframe.
- No complaints.
- The MMA gives excellent service.
- No complaints.
- Our company did not use the railroad for any transportation needs in the last 6 months.
- Service has improved in general. But still too few available hi-cube railcars and too many 75 ton cars for our needs.
- Because of the strike in Canada on the CN, there are too many bad accounts to recall. We receive about 150 to 180 cars per year.
- No complaints.
- Straps were stolen on 1 car.
- We want railroad cars as soon as they are available and as many as they can bring us. Biggest complaint is when the train crews try to make decisions - very often they contradict my requests to customer service. Other comment: GRS/ST for years we had problems getting them to pull our cars because they carried a cheaper commodity than some of their other traffic. For the past few months, they have made huge improvements in moving our cars. As long as loads are available to them, they will take the maximum number that our customer can receive. This has helped our business tremendously. Prior to this we were stopping cars in _____ to be off-loaded onto trucks for the last leg. Now this is only done when our loading exceeds the customer's rail unloading capacity.
- Service poor, cars not picked up when released. Railroad short of train crews.
- Our company did not use the railroad.
- We haven't really kept a record. Don't use rail service very often. No complaints that come to mind.
- No complaint.
- We no longer use the rail line as we have moved out of our _____ yard.
- Did not use the railroad during the period of time in question.
- We haven't really kept a record. Don't use rail service very often. No complaints that come to mind.
- No complaint.
- We no longer use the rail line as we have moved out of our _____ yard.
- Did not use the railroad during the period of time in question.

4. St. Lawrence & Atlantic Railroad

- No comments

5. Attachment 1 is a combination of all the comments received to date from railroad freight shippers. Negative comments that affect Maine's economy have been highlighted, as have those where businesses have decided to leave the railroad due to poor service. A bar graph entitled "Summary of Railroad Shipper Service and Personnel Complaints" is provided as Attachment 2.

D. OTHER REPORTING PROVISIONS

Section 1711(3) Authority to take certain actions.

The Public Advocate has not undertaken any action other than conducting quarterly surveys from the 3rd Quarter of 2005 through the 4th Quarter of 2007 (ten surveys) that are the subject of this report. There has been no instance where the Public Advocate Office was asked within its statutory authority to take certain action by a railroad freight shipper to provide assistance to shippers, or mediate freight service disputes (when the parties consent). The Public Advocate Office has been monitoring the Maine railroad activities by subscribing to a weekly trade newsletter "Atlantic Northeast Rails & Ports" to stay abreast of railroad activity that may affect federal and state regulatory actions of interest to Maine.

Section 1711(6)A. A summary of railroad freight service quality data collected under subsection 2 and actions taken pursuant to subsection 3;

Summarized in an Attachment 3 is a collection of the surveyed data that was collected and compiled for calendar year 2007. In Attachment 4 the data from the 3rd and 4th Quarters of 2005, and that from calendar year 2006 and calendar 2007 has been combined to provide a representation of all the data collected from the railroad freight shippers.

Section 1711(6)B. An evaluation of the effectiveness of any actions taken under subsection 3 and the need for the authority granted under that subsection, together with any recommendations for modifications to that authority; and

The Public Advocate has not undertaken any actions nor recommended any modifications.

Section 1711(6)C. An accounting of expenditures from the fund, prospective funding needs and any recommendations for changes in funding levels.

The Department of Transportation transferred \$20,000 in the fourth quarters of both Fiscal Years 2006 and 2007 to the Public Advocate's Railroad Freight Service Quality Fund.

The \$20,000 compensates the Public Advocate Office for its efforts regarding railroad service quality. Attachment 5 is a summary of transactions for FY 06, FY 07 and FY 08. Other areas of the Office of Public Advocate's responsibility are electric, telephone, natural gas, radioactive waste and water utility advocacy.

E. CONCLUSION

The Public Advocate welcomes input about this report, and how well we have undertaken the responsibilities given to us pursuant to Section 1711. Because the original law establishing this "railroad service quality" process included provisions repealing the law effective 90 days following the adjournment of the Second Regular Session of the 123rd Legislature, this is our final report. Thank you for the opportunity to serve the people of the State and freight shippers relying on railroads doing business in Maine.

HIGHLIGHTS

A. 2007 Survey Highlights

- 1) Guilford Rail System/Springfield Terminal ranked best in three of seven categories, losing the best ranking in only four categories:
 - a) "Percentage of late placements" (to MMA),
 - b) "Percentage of full cars picked up or delivered" (to MMA),
 - c) "Number of times service was requested and not provided at all (as opposed to delayed)" (tied with MMA), and
 - d) "Number of individual complaints regarding service problems in Maine, other than a request for a switch or a car (to MMA).
- 2) Montreal Maine & Atlantic RR ranked lowest of all railroads surveyed in five categories for 2007:
 - a) average number of days late (total number of late days divided by total late placements);
 - b) percentage of empty cars delivered;
 - c) number of empties rejected for any reason;
 - d) number of times service was requested and not provided at all (as opposed to delayed); and
 - e) number of contacts with personnel of a Maine railroad concerning service problems.
- 3) St. Lawrence & Atlantic RR ranked best in one category:
 - a) Number of times service was requested and not provided at all (as opposed to delayed).
- 4) Guilford Rail System/Springfield Terminal ranked poorest of all railroads surveyed in four categories for 2007:
 - a) percentage of late placements;
 - b) percentage of full cars picked up or delivered;
 - c) number of times service was requested and not provided at all (as opposed to delayed); and
 - d) number of individual complaints regarding service problems in Maine, other than a request for a switch or a car.

- 5) Montreal Maine & Atlantic RR ranked best of all railroads surveyed in "number of individual complaints regarding service problems in Maine, other than a request for a switch or a car" in this particular category for 2007.

NOTES

The average response rate for 2007 was 10.75% out of 93 surveys mailed. All surveys went to shippers located in the State of Maine who rely on one or more railroads doing business in Maine. There has been a substantial decrease in response received during calendar year 2007 which provided a disappointing response rate of only 10.75% for the year. The low response rates to the 2007 surveys raise questions about the validity of the survey results that the Public Advocate Office is reporting for 2007. It is apparent that with such a low response rate that the surveyed population (railroad freight shippers) is not well represented.

B. Survey Highlights - 3rd Quarter of 2005 thru 2007

- 1) Eastern Maine Railroad ranked best in five out of seven categories losing the best ranking in only two categories: "Percentage of empty cars delivered" (to SLAR) and "Percentage of full cars picked up or delivered" (to GRS/ST).
- 2) Guilford Rail Systems/Springfield Terminal ranked poorest of all railroads surveyed in four categories for the duration of this highlighted surveying period by the Public Advocate Office:
 - a) average number days late (total number of late days divided by total late placements);
 - b) number of times service was requested and not provided at all (as opposed to delayed);
 - c) number of individual complaints regarding service problems in Maine, other than a request for a switch or a car; and
 - d) number of contacts with personnel of a Maine railroad concerning service problems.
- 3) Guilford Rail System/Springfield Terminal ranked best in one category:
 - a) percentage of cars picked up and delivered.
- 4) St. Lawrence & Atlantic RR ranked poorest in two categories and highest in one category:

Lowest

- a) number of full cars rejected for any reason; and
- b) percentage of full cars picked up and delivered.

Highest

- c) percentage of empty cars delivered.

NOTES

The average response rate for the period of surveyed period was 20% out of 984 surveys mailed (see Attachment 6) with a range from a high of 34% to a low of 6%. All surveys went to shippers located in the State of Maine who rely on one or more railroads doing business in Maine. The decrease in responses during calendar year 2007 has substantially reduced the percentage of responses overall

C. Summary

The Public Advocate Office was given statutory authority to initiate and conduct a method of data collection that would later provide feedback to the Utilities and Energy Committee and Transportation Committee concerning the six railroads doing business in Maine. During the two and half year period of surveying the railroad freight shipper there have been a few companies that have discontinued using the railroad for various reasons. There have been some railroad freight shippers that were frustrated enough with their particular railroad transporter that they decided to stop using the railroad altogether and to go back to using trucks to haul their freight. Furthermore, a few companies have gone out of business altogether and several other businesses have moved out of Maine. Many of the comments provided by the shippers' point to an apparent lack of desire on the part of some railroad management/personnel to improve the rail system in Maine. Several shippers felt that until railroad management is changed in Maine, and until the intermodal rail service in the State of Maine improves further, they would not expand their business.

PUBLIC ADVOCATE OFFICE
RAILROAD FREIGHT SHIPPERS
VERBATIM COMMENTS
JUNE 2005 THROUGH DECEMBER 2007

3rd and 4th Quarters 2005 - Montreal Maine and Atlantic Railroad:

- I've had excellent co-operation with this RR since I took over as manager of _____ 1 1/2 years ago.
- Not many problems during this 3-month period. Generally problems occur November-March.
- We have no issues, good communication with MMA at the _____ and on the ground. Bob Thomas does a great job working with us to keep us informed and address issues. We hope to expand our use of their service.
- No problems or complaints.
- Had problems with bill of lading and proper billing terms.
- MMA service fair to good. Has trouble with large, steady volumes. Poor winter engines and snow plowing ability.
- They have been late getting cars to us at times and we have had to ship trucks [for] which the freight is high. MMARR is very quick to charge demurrage but very slow at times on service which has caused us to use trucks which charge higher in freight thanks to the RR. But we have to pay it to keep our customers supplied. It cost us \$4,350 to ship 60 tons by truck which is 3 loads compared to \$1,900 by rail which hauls 78 to 90 tons of _____. In my opinion we shouldn't have to pay demurrage at all if the railroad can't deliver service to us.
- MMA is not prepared to deal with snow storms - NO service during week of December 26-31 due to storm!! MMA has many engine failures which prevent service.
- They place and we load. No late placements. No cars rejected. No complaints.
- No complaints.
- Getting cars from Canada is always a delay and paperwork takes 7 days sometimes.

2006 - Montreal Maine and Atlantic Railroad:

- Rail cars setting in Canada border waiting to cross for more than a week - meantime I'm running low on cars and product.
- This is my 1st response to you. My only complaint relates to the sizeable rate increase that we are absorbing. Approximately \$500 per rail car. To a company like ours this increase in cost is not passable to our customers and a hit of \$500 + 500 cars is a huge increase in our cost structure.
- We stopped using the railroad.
- We feel that things are improving and look forward to the future. Our only problem is that cars are slow being set and picked up.
- Need better rail service.
- No complaints or comments.
- Great service Jan./Feb./March 2006. Very responsive. No snow.

- Service is not reliable. Can't count on train service on a regular basis.
- Shortage of rail cars delayed service. Overall very good service.
- Because of the _____ mill we currently are not using the rail service.
- No placements or shipments for the 1st quarter of 2006 from either MMA or GRS/ST.
- During request by email at MMA - they still cannot get it right. Sending demurrage bills then customers has to follow up with copies of the emails sent to railroad to show that we did what were suppose to do and they did not. So there is no demurrage due to MMA.
- MMA no improvement in service. Service is not reliable!
- No complaint.
- For the most part, we always have empties available for loading in our _____ yards. The problems arise when we make requests for specific car types in specific yards. I find that the rail carrier's business moves much slower than ours does and often times cars arrive after the need has passed. If the cars aren't there when we need them we are forced to pay higher freight costs to get the product moved. In some cases we don't have the luxury of a backup plan, so it's necessary for us to wait until cars are placed. As a customer I expect my Company to be treated as though we are the only customer. I have called and e-mailed several complaints to the MMA staff - from the customer service center to the Chairman of the Board. My frustrations are with the incompetence in giving me what I ask for in a timely manner. I know that sounds bad, but I expect the same good service that we give our own customers.
- No complaints.
- All went well.
- No shipments for quarter.
- Things have gone well this quarter - _____ yard workers (SC) very helpful when we had a problem.
- Have not shipped or used the railroad for this period.
- Car being held up @ the border by MMA and paperwork.
- Only received 11 cars this Quarter.
- No complaints.

2007 - Montreal Maine and Atlantic Railroad

- Our company has no used a railroad for any method of shipment in this timeframe.
- No complaints.
- The MMA gives excellent service.
- No complaints.
- Our company did not use the railroad for any transportation needs in the last 6 months.
- Service has improved in general. But still too few available hi-cube railcars and too many 75 ton cars for our needs.
- Because of the strike in Canada on the CN, there is to many bad accounts to recall. We receive about 150 to 180 cars per year.
- No complaints.

- Straps were stolen on 1 car.
- We want railroad cars as soon as they are available and as many as they can bring us. Biggest complaint is when the train crews try to make decisions - very often they contradict my requests to customer service. Other comment: GRS/ST for years we had problems getting them to pull our cars because they carried a cheaper commodity than some of their other traffic. For the past few months, they have made huge improvements in moving our cars. As long as loads are available to them, they will take the maximum number that our customer can receive. This has helped our business tremendously. Prior to this we were stopping cars in _____ to be off-loaded onto trucks for the last leg. Now this is only done when our loading exceeds the customer's rail unloading capacity.
- Service poor, cars not picked up when released. Railroad short of train crews.
- Our company did not use the railroad.
- We haven't really kept a record. Don't use rail service very often. No complaints that come to mind.
- No complaint.
- We no longer use the rail line as we have moved out of our _____ yard.
- Did not use the railroad during the period of time in question.
- We haven't really kept a record. Don't use rail service very often. No complaints that come to mind.
- No complaint.
- We no longer use the rail line as we have moved out of our _____ yard.
- Did not use the railroad during the period of time in question.

3rd and 4th Quarters 2005 - St. Lawrence and Atlantic Railroad:

- It's the CN Railroad we have issues with. We receive approximately 6 boxcars per year that arrive late. The bulk cars are fine.
- Has provided excellent service.
- This is for 2 warehouses in _____.
- Has been doing a great job this year.
- Intermodal equipment availability is a continuing issue.
- Does a great job and I am a big customer of theirs.
- Wintertime efficiency is the major issue.
- We only receive full cars and they come in on a timely manner in the summer, the winter is a different story.

2006 - St. Lawrence & Atlantic Railroad

- No comments as we are only starting to use their line next week to move _____ from Quebec to Northern Maine via MMA.
- No railcars, delivered to during the 4th quarter.
- Excellent service.

2007 - St. Lawrence & Atlantic Railroad

3rd and 4th Quarters 2005 - Guilford Rail System/Springfield Terminal:

- This service was very poor beginning early December through end of year holidays - as far as inbound commodities we don't keep problem/issue documentation. Materials such as ____ and ____ are delivered to ____ from Portland. These moves are under the direct control of Guilford. All other commodities come from a variety of areas around the country. Over the course of the last several months our inbound commodities service has worsened. We have reverted to spending quite a bit of time tracking commodities on a daily basis and have daily interaction with personnel from ST to coordinate efforts and prioritize needs. Problem began Thanksgiving holiday 2005 and has lasted through January 2006. We are finally getting back into what I hope is better service and consistent deliveries. The movement of commodities via the railroad efficiently and effectively is absolute critical to Maine's economic infrastructure. I am hopeful that industries may some day consider locating and expending in; the State of Maine if rail service is improved.
- ST service: poor, cannot count on service. Moves seem to be unpredictable. Requested cars that come late.
- We could increase our ____ traffic from 200 carloads per year to 500 with improved service. Cars are hung up on the ST in Portland, Lowell, Deerfield. The equipment or personnel - hurting Maine economy.
- Do not track personnel problems with this RR because it would be daily effort and also do not track the complaints on switching since this is a daily concern/issue. Other problems include: 1/car delays in both directions: excessive dwell in ST yards; multiple derailments affects company shipments; inconsistent service impacting facility operating efficiency; bad ordered repair delays; billing/routing errors.
- On no service/late service days we still had crews scheduled 23/7. We have lost customers with poor service. We have ____ locations in separate cities that are ____ served by GRT/ST. At location ____ rail service we requested ____ for the 3 month period (28 late placements of ____ requested). Rail service we requested ____ placements and 4 were late placements.
- We were off loading on average on 12 bulk railcars of ____ per week, plus one carload of ____ each week during our peak seasons. We relied heavily on GRT for timely service or just plain service for that matter, however; the problems and excuses were too great to track. I tried to track problems with their performance but I found I was wasting way too much of my time on phone calls and spreadsheets as their problems continued and were never addressed. On many occasions our production lines were nearly stopped because of a lack of materials to produce due to GRT's broken promises! There were way too many examples to cite. Our company made the decision to discontinue the use of railcars because of the issues and we have been transporting our ____ by ____ truck from our supplier in _____. We have been using this method of transport for the past ____ months or so and it has proven to be more reliable and a better fit for our needs. We do currently receive ____ of ____ every ____ weeks only because of

logistics issues, and still the service is not reliable for this product. It is unfortunate that we have a nice rail spur entering our property with _____ service lines and _____ unloading stations for railcars that is going unused.

- Inconsistent service, unreliable service during this period.
- The advent of the _____ has impacted our location and setting of cars has been even more sporadic since that service began. During my time in transportation management we had countless meetings with senior representatives of ST to attempt to create a standard operating procedure and to this date none exists. To say the least, ST has cost our Companies uncountable hours of lost labor, production time, unsatisfied customers, and ultimately reduced our ability to do business. It is our understanding that the railroads serving the _____ area are regulated and protected by the Interstate Commerce Act and as such are also expected to deliver a reasonable delivery service. My sense of ST Co. is that their needs come 1st, 2nd and 3rd and the paying customer will be served later. I hope the data collection effort will motivate a quality improvement in rail service. Years of pleading has not worked. Due to inability to move or place cars, we have had to cancel plans to expand our business by rail in Maine.
- All service by GRS is good.
- _____ railcars had to be delivered into a warehouse, off loaded and trucked to destination. As far as inbound commodities, we don't have problems. Over the course of the last 2 months, inbound commodity service has been surprisingly good. Still keep higher inventory levels than we really need due to past service issues. If we go through the 2005/2006 winter with current service levels ... we'll probably consider easing back a bit on our inventory. Thanks for keeping this process going. Management at ST is aware of the survey and I believe it keeps the pressure on them. Movement of commodities via the RR efficiently and effectively is absolutely critical to Maine's economic infrastructure. Am hopeful that industries may someday consider locating or expanding in the State of Maine if rail service is improved.
- All is well.
- Transit times are good until they hit _____ yard. Then everything comes to a standstill. Same excuses are used, "no manpower, no equipment, no overtime allowed." Sr. management sit in Billerica, MA and tell you over the phone they are trying to improve. Until they put senior managers in So. Portland, ME they will never improve.
- These complaints all pertain to a group of cars shipped out. ST is not reading bill of lading properly when they say PREPAID - they bill anyways!
- Too many late placements to count on GRS/ST.
- Would utilize rail much more if switching and sets were prompt.
- _____ delays in both directions, excessive _____ in railroad yard; inconsistent service impacting mill efficiency; bad order repair delays; billing.
- Notable GRS/ST improvement in 4th quarter 05.

2006 - Guilford Rail Systems/Springfield Terminal:

- After much back and forth discussion with the railroad, they did waive demurrage for the months of February and March.

- We have change shipping methods to bulk truck.
- No cars provided or shipped this quarter. Thanks.
- There has been a vast improvement in the quality of service by Guilford rail systems. Better communications at lower levels of management which minimizes the amount of time senior management needs to be involved. I hope this continues.
- In section #2 - we requested empty cars a total of 8 times; only 7 cars were delivered in the first quarter. #8 was delayed until the second quarter.
- Some of the results I have seen in previous survey recaps concern me because I believe they paint a picture that is too negative. Railroading is a difficult business and the ST operates in one of the most difficult areas of the country. One need only look at the experience of shippers dealing with the BAR becoming the CDAC becoming the MMA to understand that maybe the management at the ST does know what they are doing. They have managed to provide reasonable service at relatively low cost for many years. I may not like some of the decisions that ST management has made but, in the long run, they have probably kept a rail system operating that would otherwise largely be gone.
- No problems, service is good.
- We have discontinued using any rail service due to the terrible service we received from Guilford. We are using transport loads exclusively now.
- I can count at least 8 deliveries to pick up at railcars at _____ by GRS/ST in 2nd quarter for my customer _____ for business going to _____. Their service is unreliable and inconsistent at best and I will probably lose the business in the future. Guilford is only coming up once a week to _____ and I need more interchange service, it is taking 7-10 days to go from _____ to _____ to interchange with SLR for delivery to _____. I know our General Manager is on the phone at least a couple of times per week trying to obtain a delivery schedule.
- In the three month period ending June 30, we have had no activity with railcars.
- Guilford/ST service unreliable, unpredictable.
- We basically need to load 60 cars a week, but the ST is lucky to get us 45 cars a week.
- Service is good, no problems.
- Prompt service is an ongoing, daily issue with railroad.
- We have not used the railroad in over two years.
- I have absolutely nothing good to say about this carrier, except to say they're honest. They have admitted to passing over our cars of pulpwood in order to pull higher priced cars. They are very slow at moving our cars - our customer is to receive 32 cars per week, we are lucky if ST delivers half of that. I can't talk to anyone about customer service. I can never reach anyone at their Waterville or Northern Maine Junction locations, and the people in Massachusetts never return my calls. The only people that will contact me are the accounting folks when we've underpaid our freight bills.
- The GRS/ST seemed to be doing a better job at delivering empties to use at a regular basis.
- 1/c delays both directions; excessive dwell time in ST yards, bad order repair delays; inconsistent service, embargos on warehouses, derailments, billing and routing issues.

- We did not have any activity in the 4th quarter of 2006. We will, however, have rail service both in and out of _____ in the 1st quarter of 2007.
- Service is very good.
- We don't use this service anymore.
- Unable to establish new rate contract that was competitive to other modes of transport. E.g. truck/intermodal.

2007 - Guilford Rail Systems/Springfield Terminal:

- We did not receive any rail cars in the past 3 months.
- Sorry, but our company _____ does not ship via rail - only receives.
- We were set up to be switched out 5 times a week - then Mon./Wednesday/Fri. - now it is when the railroad is so inclined to do so.
- Because of the strike in Canada on the Canada side propane was delayed by 5 wks - very slow moving on the USA side of thing went fairly good. Guildford - poor. MMA - good!
- GRS - Excellent.
-

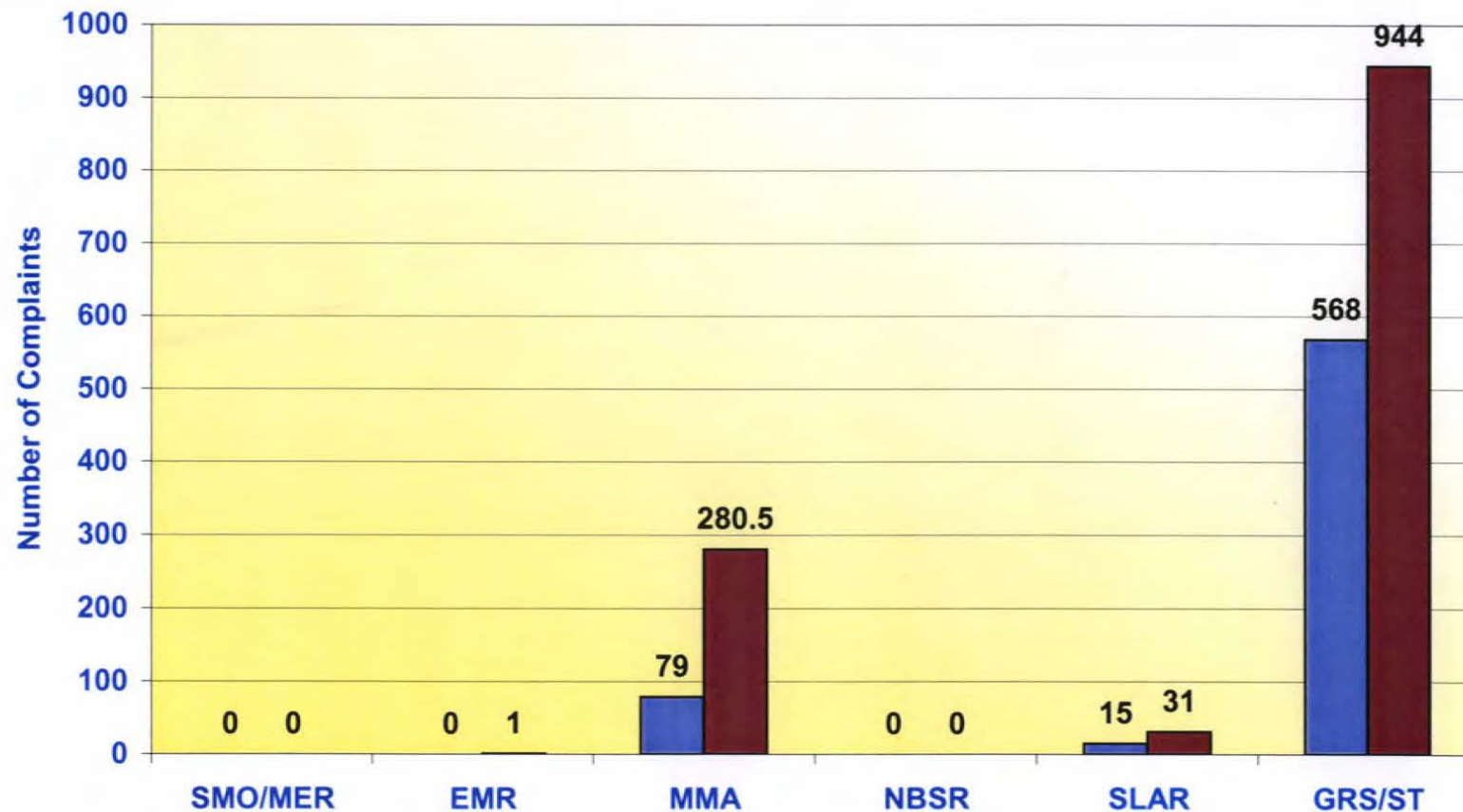
2006 - Eastern Maine Railroad:

- This is a sister-company of ours. Though I'm probably slightly biased in my comments, I have had very few problems with the service. Our products going in their direction are feeding our paper mill in St. John, NB. We all know our part in keeping the mill running - NSBR won't drop the ball.

2007 - Eastern Maine Railroad:

Summary of Railroad Shipper Survey Service and Personnel Complaints 3rd, 4th Quarter 2005 thru 2007

■ # of Individual Complaints Re: Service Problems
■ # of Contacts w/Personnel Re: Service Problems



Railroad Shipper Survey Results Calendar Year 2007

Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 40
1. Late placements/on-time placements							Surveys Mailed 372
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper			1244		151	131	
-no. of late placements			98		14	49	
% of late placements			7.30%		8.48%	27.22%	% of Responses 10.75%
-average no. of days late (total no. of late days divided by total late placements)			22		5	6	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			1551		453	6	
-no. of empty cars actually delivered			1252		472	8	
% of empty cars delivered			80.72%		104.19%	133.33%	
-no. of empties rejected for any reason			118		23	0	
-no. of full cars requested in quarter			121		816	243	
-no. of full cars actually picked up or delivered			254		494	130	
% of full cars picked up or delivered			209.92%		60.54%	53.50%	
-no. of times service was requested and not provided at all (as opposed to delayed)			16		5	16	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			1		9	12	
-no. of contacts with personnel of a Maine railroad concerning service problems			109		20	12	
Indicates lowest-ranked performance							
Indicates highest-ranked performance							

Railroad Shipper Survey Results - 1st Quarter 2007

Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 17
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered) of inbound loads or cars released by shipper			158		133	30	Surveys Mailed 94
-no. of late placements			4		9	25	% of Response 18%
-average no. of days late (total no. of late days divided by total late placements)			14		2	3	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			157		453	5	
-no. of empty cars actually delivered			157		472	7	
-no. of empties rejected for any reason			1		23	0	
-no. of full cars requested in quarter			21		793	167	
-no. of full cars actually picked up or delivered			169		471	129	
-no. of times service was requested and not provided at all (as opposed to delayed)			1		4	16	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			1		6	0	
-no. of contacts with personnel of a Maine railroad concerning service problems			6		10	0	
4. Other Comments							
GRS/ST - We did not receive any rail cars in the past 3 months.							
GRS/ST - Sorry, but our company _____ does not ship via rail - only receives.							
GRS/ST - We were set up to be switched out 5 times a week - then Mon./Wednesday/Fri. - now it is when the railroad is so inclined to do so.							
GRS & MMA - Because of the strike in Canada on the Canada side propane was delayed by 5 wks - very slow moving on the USA side of thing went							
MMA - Our company has no used a railroad for any method of shipment in this timeframe.							
MMA - No complaints.							
MMA - The MMA gives excellent service.							
SLAR - No rail service received in past 6 months.							

Attachment 3
Page 2 of 5

SLAR - Not always their fault, cars coming out of Canada. We are at the end of the line and they won't come down just for us.	
SLAR - We have received poor service from the ground crew. Request not being given - inconnect spotting after specific request. Continuous problems with railroad equipment.	
NBSR, EMR, MMA - As a shipper of probably the largest # of cars around, I would love to participate, but find that difficult to do. The questions on the survey relate to # of occurrences - this is daily manual tracking that I just don't have the time to do. I manage a huge fleet of railcars for 5 different loading locations, moving 150+ cars each week, and deal with 4 to 5 carriers at any given time. What I can tell you is this - NBSR/EMR _____. We control 343 of own railcars that are handled by NBSR, EMR, MMA and PanAM. During quarter 1, MMA's inability to move empties into one of our yards, after continued requests, cost them an opportunity to move 20,000 metric tons of product.	

Railroad Shipper Survey Results - 2nd Quarter 2007							
Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 8
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered) of inbound loads or cars released by shipper			984		12	1	Surveys Mailed 92
-no. of late placements			71		3	0	% of Response 9%
-average no. of days late (total no. of late days divided by total late placements)			5		1	0	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			1272		0	1	
-no. of empty cars actually delivered			1002		0	1	
-no. of empties rejected for any reason			32		0	0	
-no. of full cars requested in quarter			0		15	1	
-no. of full cars actually picked up or delivered			0		15	1	
-no. of times service was requested and not provided at all (as opposed to delayed)			15		1	0	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			0		3	0	
-no. of contacts with personnel of a Maine railroad concerning service problems			90		10	0	
4. Other Comments							
GRS - Excellent.							Attachment 3 Page 3 of 5
MMA - No complaints.							
MMA - Our company did not use the railroad for any transportation needs in the last 6 months.							
MMA - Services has improved in general. But still too few available hi-cube railcars and too many 75 ton cars for our needs.							
MMA - Because of the strike in Canada on the CN, there is to many bad accounts to recall. We receive about 150 to 180 cars per year.							
SLAR - Washout in _____ caused nothing to be delivered for approximately days. The SLAR is very slow and needs a lot of direction. (Don't follow instructions.)							

Railroad Shipper Survey Results - 3rd Quarter 2007

Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 9
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered) of inbound loads or cars released by shipper			102			0	Surveys Mailed 92
-no. of late placements			23			0	% of Response 10%
-average no. of days late (total no. of late days divided by total late placements)			3			0	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			122			0	
-no. of empty cars actually delivered			93			0	
-no. of empties rejected for any reason			85			0	
-no. of full cars requested in quarter			100			0	
-no. of full cars actually picked up or delivered			85			0	
-no. of times service was requested and not provided at all (as opposed to delayed)			0			0	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			0			0	
-no. of contacts with personnel of a Maine railroad concerning service problems			13			0	
4. Other Comments							
MMA - No complaints.							
MMA - Straps were stolen on 1 car.							
MMA - We want railroad cars as soon as they are available and as many as they can bring us. Biggest complaints is when the train crews try to make decisions - very often they contradict my requests to customer service. Other comment: GRS/ST for years we had problems getting them to pull our cars because they carried a cheaper commodity than some of their other traffic. For the past few months, they have made huge improvements in moving our cars. As long as loads are available to them, they will take the maximum number that our customer can receive. This has helped our business tremendously. Prior to this we were stopping cars in _____ to be off-loaded onto trucks for the last leg. Now this is only done when our loading exceeds the customer's rail unloading capacity.							Attachment 3 Page 4 of 5
MMA - Service poor, cars not picked up when released. Railroad short of train crews.							

MMA - Our company did not use the railroad.

Railroad Shipper Survey Results - 4th Quarter 2007							
Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 6
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered) of inbound loads or cars released by shipper			0		6	100	Surveys Mailed 92
-no. of late placements			0		2	24	% of Response 7%
-average no. of days late (total no. of late days divided by total late placements)			0		2	3	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			0		0	0	
-no. of empty cars actually delivered			0		0	0	
-no. of empties rejected for any reason			0		0	0	
-no. of full cars requested in quarter			0		8	75	
-no. of full cars actually picked up or delivered			0		8	0	
-no. of times service was requested and not provided at all (as opposed to delayed)			0		0	0	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			0		0	12	
-no. of contacts with personnel of a Maine railroad concerning service problems			0		0	12	
4. Other Comments							
MMA - We haven't really kept a record. Don't use rail service very often. No complaints that come to mind.							
MMA - No complaint.							
MMA - We no longer use the rail line as we have moved out of our _____ yard.							
MMA - Did not use the railroad during the period of time in question.							
GRS/ST is now PanAM railways							

Attachment 3
Page 5 of 5

Railroad Shipper Survey Results 3rd, 4th Quarter 2005 through 2007

Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 195
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper	12	8	5775		1319	20,354	Surevys Mailed 984
-no. of late placements	0	0	1722		20	1403	
% of late placements	0.00%	0.00%	22.97%		1.49%	6.45%	% of Responses 19.82%
-average no. of days late (total no. of late days divided by total late placements)	0	0	131		7	178.5	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter	12	0	8331		1145	13,061	
-no. of empty cars actually delivered	10	0	8361		1185	12,623	
% of empty cars delivered	83.33%		100.36%		103.49%	96.65%	
-no. of empties rejected for any reason	0	0	121		642	249	
-no. of full cars requested in quarter	12	8	8116		4531	4,774	
-no. of full cars actually picked up or delivered	12	8	7405		3020	9,064	
% of full cars picked up or delivered	100.00%	100.00%	91.24%		66.65%	189.86%	
-no. of times service was requested and not provided at all (as opposed to delayed)	2	0	74		8	300	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car	0	0	79		15	568	
-no. of contacts with personnel of a Maine railroad concerning service problems	0	1	280.5		31	944	
Indicates lowest-ranked performance							
Indicates highest-ranked performance							

Railroad Shipper Survey Results: 3rd Quarter 2005

Name of Railroad	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence and Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 34
1. Late placements/on-time placements						
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper		1186		484	3,181	Surveys Mailed 112
-no. of late placements		280		0	565	% of Response 30.3%
-average no. of days late (total no. of late days divided by total late placements)		3		0	68.6	
2. Cars requested/cars rejected by customers						
-no. of empty cars requested in quarter		1616		213	3,468	
-no. of empty cars actually delivered		1616		221	3,325	
-no. of empties rejected for any reason		0		8	82	
-no. of full cars requested in quarter		1466		454	1,599	
-no. of full cars actually picked up or delivered		1466		488	2,643	
-no. of times service was requested and not provided at all (as opposed to delayed)		0		3	125	
3. No. of complaints						
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car		13		6	176	
-no. of contacts with personnel of a Maine railroad concerning service problems		25		6	219	
4. Other Comments						
MMA - I've had excellent co-operation with this RR since I took over as manager of ____ 1 1/2 year ago.						Attachment 4 Page 2 of 7
MMA - not many problems during this 3-month period. Generally problems occur November-March.						
MMA - We have no issues, good communication with MMA at the ____ and on the ground. Bob Thomas does a great job working with us to keep us informed and address issues. We hope to expand our use of their service.						
MMA - No problems or complaints.						
MMA & GRS/ST - had problems w/BOL and proper billing terms.						
MMA & GRS/ST - MMA service fair to good. Has trouble with large, steady volumes. Poor winter engines and snow plowing ability. ST service: poor cannot count on service. Moves seem to be unpredictable. Requested cars that come late.						
MMA & SLAR - We only receive full cars and they come in on a timely manner in the summer, the winter is a different story.						
SLAR - Intermodal equipment availability is a continuing issue.						
survey results 10-05.xls						
corrected version 2/21/06						

SLAR - Does a great job and I am a big customer of theirs.						
SLAR - Wintertime efficiency is the major issue.						
GRS/ST - we could increase our _____ traffic from 200 carloads per year to 500 with improved service. Cards are hung up on the ST in Portland, Lowell, Deerfield. The equipment or personnel hurting Maine economy.						
GRS/ST - do not track personnel problems with this RR because it would be daily effort and also do not track the complaints on switching since this is a daily concern/issue. Other problems include: 1/car delays in both directions; excessive dwell in ST yards; multiple derailments affects company shipments; inconsistent service impacting facility operating efficiency; bad ordered repair delays; billing/routing errors.						
GRS/ST - on no service/late service days we still had crews scheduled 23/7. We have lost customers with poor service. We have warehouse locations in separate cities that are _____ served by GRT/ST. At location _____ rail service we requested _____ for the 3 month period (28 late placements of _____ requested). _____ Rail service we requested _____ placements and 4 were late placements.						
GRS/ST - We were off loading on average on _____ bulk railcars of _____ per week, plus one carload of _____ each week during our peak seasons. We relied heavily on GRT for timely service on just plain service for that matter, however; the problems and excuses were too great to track. I tried to track problems with their performance but I found I was wasting way too much of my time on phone calls and spreadsheets as their problems continued and were never addressed. On many occasions our production lines were nearly stopped because of a lack of materials to produce due to GRT's broken promises! There were way too many examples to cite. Our company made the decision to discontinue the use of railcars because of the issues and we have been transporting our _____ by _____ truck from our supplier in _____. We have been using this method of transport for the past _____ months or so and it has proven to be more reliable and a better fit for our needs. We do currently receive _____ of _____ every _____ weeks only because of logistics issues, and still the service is not reliable for this product. It is unfortunate that we have a nice rail spur entering our property with _____ service lines and _____ unloading stations for railcars that is going unused.						
GRS/ST - inconsistent service, unreliable service during this period.						
GRS/ST - The advent of the _____ has impacted our location and setting of cars has been even more sporadic since that service began. During my time in transportation management we had countless meetings with senior representatives of ST to attempt to create a standard operating procedure and to this date none exists. To say the least, ST has cost our Companies uncountable hours of lost labor, production time, unsatisfied customers, and ultimately reduced our ability to do business. It is our understanding that the railroads serving the _____ area are regulated and protected by the Interstate Commerce Act and as such are also expected to deliver a reasonable delivery service. My sense of ST Co. is that their needs come 1st, 2nd and 3rd and the paying customer will be served later. I hope the data collection effort will motivate a quality improvement in rail service. Years of pleading has not worked.						
GRS/ST - Due to inability to move or place cars, we have had to cancel plans to expand our business by rail in Maine.						
GRS/ST - All service by GRS is good.						
GRS/ST - We did not ship any railcars during that period.						
GRS/ST & SLAR - _____ railcars had to be delivered into a warehouse, off loaded and trucked to destination. As far as inbound commodities, we don't have problems. Over the course of the last 2 months, inbound commodity service has been surprisingly good. Still keep higher inventory levels than we really need due to past service issues. If we go through the 2005/2006 winter with current service levels ... we'll probably consider easing back a bit on our inventory. Thanks for keep this process going. Management at ST is aware of the survey and I believe it keeps the pressure on them. Movement of commodities via the RR efficiently and effectively is absolutely critical to Maine's economic infrastructure. Am hopeful that industries may someday consider locating or expanding in the State of Maine if rail service is improved.						

Railroad Shipper Survey Results - 4th Quarter 2005

Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 36
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper	12		1112		216	2,694	Surveys Mailed 107
-no. of late placements	0		409		5	295	% of Response 34%
-average no. of days late (total no. of late days divided by total late placements)	0		44		0	39.63	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter	12		1928		70	3,083	
-no. of empty cars actually delivered	10		1486		83	2,901	
-no. of empties rejected for any reason	0		2		5	59	
-no. of full cars requested in quarter	12		1665		1498	1,018	
-no. of full cars actually picked up or delivered	12		1321		1535	1,164	
-no. of times service was requested and not provided at all (as opposed to delayed)	2		12		0	117	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car	0		25		0	246	
-no. of contacts with personnel of a Maine railroad concerning service problems	0		31		3	311	
4. Other Comments							
GRS/ST - All is well.							Attachment 4 Page 3 of 7
GRS/ST - transit times are good time they hit _____ yard. Then everything comes to a standstill. Same excuses are used, "no manpower, no equipment, no overtime allowed." Sr. Management sit in Billerica, MA and tell you over the phone they are trying to improve. Until they put senior managers in So. Portland, ME they will never improve.							
GRS/ST - MMA - These complaints all pertain to a group of cars shipped out. ST is not reading bill of lading properly when they say PREPAID - they bill anyways!							
GRS/ST - Too many late placements to count on GRS/ST.							
GRS/ST - Would utilize rail much more if switches and sets were prompt.							
GRS/ST - Not used this quarter - will use next quarter.							
GRS/ST - Service has been terrible for years. They have shown modest improvement over last month.							

GRS/ST - Huge demurrage bills directly related to poor service by railroad. Huge labor costs for standby time 24x7 when late on no switch.	
GRS/ST - Notable GRS/ST service improvement in 4th quarter '05.	
GRS/ST - _____ delays in both directions, excessive _____ in railroad yard; inconsistent service impacting mill efficiency; bad order repair delays;	
GRS/ST - This service was very poor beginning early December through end of year holidays. -- as far as inbound commodities we don't keep problems/issue documentation. Materials such as _____ and _____ are delivered to _____ from _____, these moves are under the direct control of Guilford. All other commodities come for a variety of areas around the country. Over the course of the last several months our inbound commodities service has worsened. We have reverted to spending quite a bit of time tracking commodities on a daily basis and have daily interaction with personnel from ST to coordinate efforts and prioritize needs. Problem began Thanksgiving holiday 2005 and has lasted through January 2006. We are finally getting back into what I hope is better service and consistent deliveries. The movement of commodities via the railroad efficiently and effectively is absolutely critical to Maine's economic infrastructure. I am hopeful that industries may some day consider locating and expanding in the State of Maine if rail service is improved.	
MMA - They have been late getting cars to us at times and we have had to ship trucks which the freight is high. MMARR is very quick to charge demurrage but very slow at times on service which has caused us to use trucks which charge higher in freight thanks to the RR. But we have to pay it to keep our customers supplied. It cost us \$4,350 to ship 60 ton by truck which is 3 loads compared to \$1,900 by rail which hauls 78 to 90 tons of _____. In my opinion we shouldn't have to pay demurrage at all if the railroad can't deliver service to us.	
MMA - MMA is not prepared to deal with snow storms - NO service during week of December 26-31 due to storm!! MMA has many engine failures which prevent service.	
MMA - Were some complaints - not documented. Will document so can be counted next quarter.	
MMA - They place and we load. No late placements. No cars rejected. No complaints.	
MMA - No complaints	
MMA - There is a pile of old railroad ties left in our yard, please pick them up.	
MMA - Getting cars from Canada is always a delay and paperworks takes 7 days sometimes.	
MMA - No shipments during quarter.	
SLAR - It's the CN Railroad we have issues with. We receive approximately 6 boxcars per year that arrive late. The bulk cars are fine.	
SLAR - has provided excellent service.	
SLAR - This is for 2 warehouses in _____.	
SLAR - has been doing a great job this year.	
SMO/MER - Our particular company has been down for the 1st 1/4 of the year 2005. Railroad is closed on and off.	

Railroad Shipper Survey Results - 1st Quarter 2006

Name of Railroad	Maine Eastern (SMO/MER)	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 32
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper			859		13	567	Surveys Mailed 107
-no. of late placements			436		1	128	% of Response 30%
-average no. of days late (total no. of late days divided by total late placements)			23		2	25.5	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			2999		7	2,226	
-no. of empty cars actually delivered			2389		7	2,183	
-no. of empties rejected for any reason			0		0	12	
-no. of full cars requested in quarter			2708		6	620	
-no. of full cars actually picked up or delivered			2440		6	1,336	
-no. of times service was requested and not provided at all (as opposed to delayed)			10		0	27	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			24		0	26	
-no. of contacts with personnel of a Maine railroad concerning service problems			67.5		0	116	
4. Other Comments							
MMA & CN - Rail cars setting in Canada border waiting to cross for more than a week - meantime I'm running low on cars and product.							Attachment 4 Page 4 of 7
MMA - This is my 1st response to you. My only complaint relates to the sizeable rate increase increases that we are absorbing. Approximately \$500 per rail car. To a company like ours this increase in cost is <u>not</u> passable to our customers and a hit of \$500 + 500 cars is a huge increase in our cost structure.							
MMA - We stopped using the railroad.							
MMA - We feel that things are improving and look forward to the future. Our only problem is that cars are slow being set and picked up.							
MMA - Need better rail service.							
MMA - No complaints or comments.							
MMA - Great service Jan./Feb./March 2006. Very responsive. No snow.							
MMA - Service is not reliable. Can't count on train service on a regular basis.							
MMA - Shortage of rail cars delayed service. Overall very good service.							

MMA - Because of the Old Town mill we currently are not using the rail service.	
MMA & GRS/ST - No placements or shipments for the 1st quarter of 2006 from either MMA or GRS/ST.	
GRS/ST - After much back and forth discussion with the railroad, they did waive demurrage for the months of February and March.	
GRS/ST - We have change shipping methods to bulk truck.	
GRS/ST - No cars provided or shipped this quarter. Thanks.	
GRS/ST - There has been a vast improvement in the quality of service by Guilford rail systems. Better communications at lower levels of management which minimizes the amount of time senior management needs to be involved. I hope this continues.	
GRS/ST - In section #2 - we requested empty cars a total of 8 times; only 7 cars were delivered in the first quarter. #8 was delayed until the second quarter.	
GRS/ST - Some of the results I have seen in previous survey recaps concern me because I believe they paint a picture that is too negative. Railroading is a difficult business and the ST operates in one of the most difficult areas of the country. One need only look at the experience of shippers dealing with the BAR becoming the CDAC becoming the MMA to understand that maybe the management at the ST does know what they are doing. They have managed to provide reasonable service at relatively low cost for many years. I may not like some of the decisions that ST management has made but, in the long run, they have probably kept a rail system operating that would otherwise largely be gone.	
GRS/ST - No problems, service is good.	

Railroad Shipper Survey Results - 2nd Quarter 2006

Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 22
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper		8	1291		98	463	Surveys Mailed 94
-no. of late placements		0	423		0	153	% of Response 23%
-average no. of days late (total no. of late days divided by total late placements)		0	21		0	17.07	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter		0	114		22	785	
-no. of empty cars actually delivered		0	1514		22	703	
-no. of empties rejected for any reason		0	0		0	2	
-no. of full cars requested in quarter		8	2062		107	929	
-no. of full cars actually picked up or delivered		8	1810		107	1,371	
-no. of times service was requested and not provided at all (as opposed to delayed)		0	21		0	12	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car		0	11		0	15	
-no. of contacts with personnel of a Maine railroad concerning service problems		1	37		2	179	
4. Other Comments							
GRS/ST - We have discontinued using any rail service due to the terrible service we received from Guilford. We are using transport loads exclusively now.							Attachment 4 Page 5 of 7
GRS/ST I can count at least 8 deliveries to pick up at railcars at _____ by GRS/ST in 2nd quarter for my customer _____ for business going to _____. Their service is unreliable and inconsistent at best and I will probably lose the business in the future. Guilford is only coming up once a week to _____ and I need more interchange service, it is taking 7-10 days to go from _____ to _____ to interchange with SLR for delivery to _____. I know our General Manager is on the phone at least a couple of times per week trying to obtain a delivery schedule.							
GRS/ST - In the three month period ending June 30, we have had no activity with railcars.							
GRS/ST - Guilford/ST service unreliable, unpredictable.							

GRS/ST - We basically need to load 60 cars a week, but the ST. is lucky to get us 45 cars a week.	
GRS/ST - Service is good no problems.	
GRS/ST - Prompt service is an ongoing, daily issue with railroad.	
GRS/ST - We have not used the railroad in over two years.	
MMA - During request by email at MMA - they still cannot get it right. Sending demurrage bills then customers has to follow up with copies of the	
MMA - MMA no improvement in service. Service is not reliable!	
MMA - No complaint.	

Railroad Shipper Survey Results - 3rd Quarter 2006							Surveys Received Back 14
Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	
1. Late placements/on-time placements							Surveys Mailed 96 % of Response 15%
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper			3		184	1,515	
-no. of late placements			34		0	203	
-average no. of days late (total no. of late days divided by total late placements)			2		0	17.7	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			29		129	2,008	
-no. of empty cars actually delivered			29		129	1,997	
-no. of empties rejected for any reason			0		606	38	
-no. of full cars requested in quarter			24		847	278	
-no. of full cars actually picked up or delivered			24		129	954	
-no. of times service was requested and not provided at all (as opposed to delayed)			0		0	0	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			0		0	90	
-no. of contacts with personnel of a Maine railroad concerning service problems			2		0	97	
4. Other Comments							
EMR/NBSR - This is a sister-company of ours. Though I'm probably slightly biased in my comments, I have had very few problems with the service. Our products going in their direction are feeding our paper mill in St. John, NB. We all know our part in keeping the mill running - NSBR won't drop the ball.							Attachment 4 Page 6 of 7
GRS/ST - I have absolutely nothing good to say about this carrier, except to say they're honest. They have admitted to passing over our cars of pulpwood in order to pull higher priced cars. They are very slow at moving our cars - our customer is to receive 32 cars per week, we are lucky if ST delivers half of that. I can't talk to anyone about customer service. I can never reach anyone at their Waterville or Northern Maine Junction locations, and the people in Massachusetts never return my calls. The only people that will contact me are the accounting folks when we've underpaid our freight bills.							

GRS/ST - The GRS/ST seemed to be doing a better job at delivering empties to use at a regular basis.	
GRS/ST - 1/c delays both directions; excessive dwell time in ST yards, bad order repair delays; inconsistent service, embargos on warehouses, derailments, billing and routing issues.	
MMA - For the most part, we always have empties available for loading in our _____ yards. The problems arises when we make requests for specific car types in specific yards. I find that the rail carrier's business moves much slower than ours does and often times cars arrive after the need has passed. If the cars aren't there when we need them we are forced to pay higher frieght costs to get the product moved. In some cases we don't have the luxury of a backup plan, so it's necessary for us to wait until cars are placed. As a customer I expect my Company to be treated at though we are the only customer. I have called and e-mailed several complaints to the MMA staff - from the customer service center to the Chairman of the Board. My frustrations are with the incompetence in giving me what I ask for in a timely manner. I know that sounds bad, but I expect the same good service that we give our own customers.	
MMA - No complaints.	
MMA - All went well.	
SLAR - No comments as we are only starting to use their line next week to move _____ from Quebec to Northern Maine via MMA.	

Railroad Shipper Survey Results - 4th Quarter 2006

Name of Railroad	SMO/MER	Eastern Maine RR (EMR)	Montreal Maine & Atlantic RR (MMA)	New Brunswick Southern RR (NBSR)	St. Lawrence & Atlantic RR (SLAR)	Guilford Rail System/Springfield Terminal (GRS/ST)	Surveys Received Back 18
1. Late placements/on-time placements							
- no. of on-time placements (occurring on the date for which ordered), of inbound loads or cars released by shipper			80		173	1,473	Surveys Mailed 96
-no. of late placements			42		0	10	% of Response 19%
-average no. of days late (total no. of late days divided by total late placements)			16		0	4	
2. Cars requested/cars rejected by customers							
-no. of empty cars requested in quarter			94		251	1,485	
-no. of empty cars actually delivered			75		251	1,506	
-no. of empties rejected for any reason			1		0	56	
-no. of full cars requested in quarter			70		803	87	
-no. of full cars actually picked up or delivered			90		261	1,466	
-no. of times service was requested and not provided at all (as opposed to delayed)			15		0	3	
3. No. of complaints							
-no. of individual complaints regarding service problems in Maine, other than a request for a switch or a car			5		0	3	
-no. of contacts with personnel of a Maine railroad concerning service problems			9		0	10	
4. Other Comments							
GRS - We did not have any activity in the 4th quarter of 2006. We will, however, have rail service both in and out of _____ in the 1st quarter of 2007.							Attachment 4 Page 7 of 7
GRS - Service is very good.							
GRS - We don'te use this service anymore.							
GRS & SLAR - Unable to establish new rate contract that was competitive to other modes of transport. E.g. truck/intermodal.							
MMA - No shipments for quarter.							
MMA - Things have gone well this quarter - _____ yard workers (SC) very helpful when we had a problem.							
MMA - Have not shipped or used the railroad for this period.							
MMA - Car being held up @ the border by MMA and paperwork.							

MMA - Only received 11 cars this Quarter.	
MMA - No complaints.	
SLAR - No railcars, delivered to during the 4th quarter.	
SLAR - Excellent service.	

Public Advocate Office Railroad Account Transactions

	<u>FY 2006</u>	<u>FY 2007</u>	
DOT journals to OPA Railroad account 014-07H-0410-05	\$20,000	\$20,000	
OPA Railroad account 014-07H-0410-05 for STA-CAP	\$500	\$250	
Transferred to OPA Regulatory account 014-07H-0410-03	\$19,500	\$19,750	
	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008*</u>
Staff Salary/Benefits	\$14,000	\$13,000	\$6,200
Indirect Administrative	\$4,000	\$5,650	\$2,600
Magazine Rails & Ports	\$295		\$335
Travel	\$200		
Mail/Copy/Postage	\$1,000	\$1,100	\$550
TOTAL	\$19,495	\$19,750	\$9,685

*Expenses for FY 2008 cover the 1st Quarter and 2nd Quarter of the Fiscal Year.
FY 2008 expenses were for the calendar year 3rd Quarter and 4th Quarter
surveys that the Office was authorized by Section 1711 of Title 35-A.

**Public Advocate Office
Survey of Railroad Freight Shippers
Percentage of Responses**

<u>Quarter Surveyed</u>	<u>Number of Surveys Sent</u>	<u>Number of Responses</u>	<u>Percentage</u>
3 rd Quarter 2005	112	34	30.3%
4 th Quarter 2005	107	36	34%
1 st Quarter 2006	107	31	29%
2 nd Quarter 2006	96	22	23%
3 rd Quarter 2006	96	14	15%
4 th Quarter 2006	96	18	19%
1 st Quarter 2007	94	17	18%
2 nd Quarter 2007	92	8	9%
3 rd Quarter 2007	92	9	10%
4 th Quarter 2007	<u>92</u>	<u>6</u>	<u>7%</u>
Total	984	195	20%