

OPENING STATEMENT OF COMMISSIONER BUTTREY

The subject matter of today’s hearing presents a difficult challenge for the Board—how to further refine and expedite our simplified evidentiary procedures for rail rate challenges in so-called small cases. When the guidelines were adopted in 1996, they represented the Board’s best effort. That effort has arguably proven to be less than satisfactory because no one has used the simplified guidelines. Whatever the reason is as to why the guidelines have remained untested, we must make sure that it isn’t because they still present too great a barrier to the regulatory process. It has been suggested that a bright-line eligibility test might be a reasonable accommodation, although what that test should be remains the subject of considerable thoughtful debate—a debate which will be continuing today. But our inquiry cannot end there. We must ensure that any simplified evidentiary procedures are just that. The guidelines cannot be so complex or vague as to make relief illusory. I have read the hearing transcript of the previous hearing and the prepared statements. I look forward to today’s testimony and dialogue as we revisit this very important matter.