

[STAFF WORKING DRAFT]

December 15, 2009

Purpose: To exclude certain acquisition premiums from the Board's determination of variable costs and revenue adequacy.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—111TH Cong., 1ST Sess.**

S. _____, 111TH Congress, 1ST Session

DECEMBER 17, 2009

INTENDED to be proposed by Mr. DORGAN

Viz:

1 On page 63, after line 16, insert the following:

2 (c) REGULATORY EFFECT OF ACQUISITION PRE-
3 MIUMS.—For any rate prescription in effect on the date
4 of enactment of this Act or thereafter for any proceeding
5 at the Board involving the development or use of a car-
6 rier's costs for providing rail transportation service, the
7 Board shall exclude from the calculation of the carrier's
8 variable costs both investment and depreciation acqui-
9 sition premiums paid on or after June 1, 2009. In making
10 its annual revenue adequacy determination under section
11 10704(a)(3) of title 49, United States Code, in deter-
12 mining a carrier's return on net investment, the Board
13 shall exclude from a carrier's operating expenses and net

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1 investment base, acquisition premiums paid on or after

2 June 1, 2009.

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