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SERVICE DATE – LATE RELEASE NOVEMBER 22, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 761

HEARING ON REVENUE ADEQUACY

Docket No. EP 722¹

RAILROAD REVENUE ADEQUACY

Decided: November 22, 2019

On September 12, 2019, the Board announced a public hearing, to take place on December 12, 2019, on revenue adequacy issues raised by the Board's Rate Reform Task Force in its report issued on April 25, 2019.² **Due to the number of notices of intent to participate received, the hearing will now be held over a two-day period, on December 12-13, 2019.**

The hearing will be held in the James E. Webb Memorial Auditorium of the National Aeronautics and Space Administration (NASA), located at 300 E Street, S.W., Washington, DC, across the street from the Board's headquarters. The hearing will begin at 9:30 a.m. and conclude by 6:00 p.m. each day.

The schedule of appearances and the time provided for each party are set forth in the Appendix to this decision. The Board will have read the written submissions in advance of the hearing. Participants should not read their written submissions at the hearing but instead should briefly summarize their key points.

Parties wishing to make visual presentations should email their materials by December 10, 2019, to MILSS@stb.gov. The presentations will be loaded onto a Board laptop for use at the hearing. Parties using visual materials must submit for filing 10 paper copies at the hearing.

Instructions for Attendance at Hearing

All persons attending the hearing should use NASA's visitors West Lobby entrance, located at 300 E Street, S.W., Washington, DC. There will be no reserved seating, except for

¹ These proceedings are not consolidated. A single decision is being issued for administrative purposes.

² Notices of intent to participate were due by October 31, 2019. Written testimony and written comments (for those not appearing at the hearing) are due by November 26, 2019.

persons scheduled to present testimony. The building will be open to the public at 7:00 a.m. There is no public parking in the building. The two closest Metro stops are Federal Center S.W. (3rd and D Streets, S.W., serving the Blue, Orange, and Silver Lines) and L'Enfant Plaza (6th and D Streets, S.W., serving the Yellow, Green, Blue, Orange, and Silver Lines).

Laptops and recorders may be used in the auditorium, and Wi-Fi will be available. Cellular telephone use is not permitted in the auditorium.

Members of the media should contact Janie Sheng in the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0221 if they plan to attend the hearing.

The James E. Webb Memorial Auditorium complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245-0245, by the close of business on December 10, 2019.

As stated in the September 12, 2019 notice, streaming and recording systems will not be available to the Board for this hearing.

For further information regarding the hearing, contact Amy Ziehm at (202) 245-0391. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

It is ordered:

1. The hearing will be held on December 12 and 13, 2019, at 9:30 a.m., in the James E. Webb Memorial Auditorium of the National Aeronautics and Space Administration, located at 300 E Street, S.W., Washington, DC.
2. Visual presentations should be emailed to MILSS@stb.gov by December 10, 2019.
3. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.
4. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.

SCHEDULE OF APPEARANCES

THURSDAY, DECEMBER 12, 2019 (COMMENCING AT 9:30 A.M.)

<u>Party</u>	<u>Time Allotted</u>
Panel I	
American Chemistry Council <ul style="list-style-type: none">• Jeffrey Sloan, Senior Director, Regulatory and Technical Affairs• Dr. Kevin Caves, Econ One Research, Inc.• Jeffrey O. Moreno, Partner, Thompson Hine LLP	30 minutes
Association of American Railroads <ul style="list-style-type: none">• Joseph P. Kalt, Ford Foundation Professor (Emeritus) of International Political Economy, Harvard University John F. Kennedy School of Government• Raymond A. Atkins, Ph.D., Partner, Sidley Austin LLP	30 minutes
Panel II	
BNSF Railway Company <ul style="list-style-type: none">• Jill K. Mulligan, Vice President and General Counsel	10 minutes
Montana Department of Agriculture <ul style="list-style-type: none">• Zachary T. Coccoli, Deputy Legal Counsel	15 minutes
National Coal Transportation Association <ul style="list-style-type: none">• John N. Ward, Executive Director	5 minutes
Western Coal Traffic League <ul style="list-style-type: none">• Bette Whalen, President• Kelvin J. Dowd, Partner, Slover & Loftus LLP	30 minutes
Panel III	
Auriga Polymers Inc. <ul style="list-style-type: none">• Barbara Hagler, Logistics Manager	15 minutes
MillerCoors <ul style="list-style-type: none">• David Burchett, Regional Category Director – Transportation and Logistics	15 minutes

Norfolk Southern Railway Company 20 minutes

- John Friedmann, Vice President Network Planning & Optimization
- David Sappington, Professor, University of Florida

Olin Corporation 15 minutes

- Frank Chirumbole, Vice President of Global Integrated Supply Chain

Panel IV

Canadian National Railway Company 10 minutes

- [Company Witness, TBD]
- Kathryn J. Gainey, Counsel, U.S. Regulatory Affairs
- Matthew J. Warren, Partner, Sidley Austin LLP

Canadian Pacific 10 minutes

- Tyme Wittebrood, Director of Regulatory Finance

Freight Rail Customer Alliance 10 minutes

- Shelley Sahling-Zart, President

PBF Energy 10 minutes

- Kent Avery, Vice President, Commercial

FRIDAY, DECEMBER 13, 2019 (COMMENCING AT 9:30 A.M.)

Panel V

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| George Washington University | 10 minutes |
| <ul style="list-style-type: none">• Jerry Ellig, Research Professor, Regulatory Studies Center | |
| Union Pacific Railroad Company, Norfolk Southern Corporation, and U.S. affiliates of Canadian National Railway Company | 30 minutes |
| <ul style="list-style-type: none">• Kevin Murphy, Ph.D., George J. Stigler Distinguished Service Professor of Economics, University of Chicago Booth School of Business• Mark Zmijewski, Ph.D., Professor Emeritus, University of Chicago Booth School of Business• Matthew J. Warren, Partner, Sidley Austin LLP | |
| Wolfe Research | 15 minutes |
| <ul style="list-style-type: none">• Scott Group, Managing Director & Senior Analyst | |

Panel VI

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| CSX Transportation, Inc. | 15 minutes |
| <ul style="list-style-type: none">• Sean Pelkey, Vice President, Treasury• John Patelli, Head of Regulatory & Federal Affairs, Associate General Counsel | |
| SMART-Transportation Division-New York State Legislative Board (SMART/TD-NY) | 5 minutes |
| <ul style="list-style-type: none">• Gordon P. MacDougall, Attorney for Samuel J. Nasca, Director | |
| The Fertilizer Institute | 15 minutes |
| <ul style="list-style-type: none">• Justin Louchheim, Director of Government Affairs• Jeffrey O. Moreno, Partner, Thompson Hine LLP | |

Panel VII

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| American Fuel & Petrochemical Manufacturers | 10 minutes |
| <ul style="list-style-type: none">• [Speaker TBD] | |
| National Grain and Feed Association | 15 minutes |
| <ul style="list-style-type: none">• [Member of Rail Shipper/Receiver Committee, TBD]• Thomas W. Wilcox, Principal, GKG Law | |
| Union Pacific Railroad Company | 15 minutes |
| <ul style="list-style-type: none">• Cindy Sanborn, Vice President, Network Planning and Operations• Michael L. Rosenthal, Of Counsel, Covington & Burling LLP | |