

September 28, 2020

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Office of Proceedings
September 28, 2020
Part of
Public Record

Re: Consolidated Docket Nos. NOR 42144, 42150, 42153, & 42154

Dear Board Members:

I am writing on behalf of the Complainants in the above-referenced proceedings which have been consolidated under Docket NOR 42144.¹ The original complaint was filed over five years ago in Docket NOR 42144 on March 31, 2015. The record in these cases closed nearly 16 months ago when Complainants filed their rebuttal evidence on May 31, 2019. The Complaints challenge the lawfulness of a Union Pacific tariff charge that has now been effective for 5 years and 9 months. Complainants are concerned by the length of time that has passed without a Board decision. Complainants, therefore, ask that the Board give priority to issuing a decision in these proceedings as expeditiously as possible. Thank you for your consideration of this request.

Respectfully submitted,

/s/ Jeffrey O. Moreno

Jeffrey O. Moreno

Cc: Michael J. Rosenthal, Counsel for Defendant, Union Pacific Railroad Company

¹ The Complainants in Docket NOR 42144 are the North America Freight Car Association; the American Fuel & Petrochemical Manufacturers; The Chlorine Institute, Inc.; The Fertilizer Institute; the American Chemistry Council; Ethanol Products, LLC d/b/a POET Ethanol Products; POET Nutrition, Inc.; and Cargill Incorporated. The Complainants in Docket NOR 42150 are Valero Marketing and Supply Company and Valero Rail Partners, LLC. The Complainants in Docket NOR 42152 are Tesoro Refining & Marketing Company, LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC. The Complainant in Docket NOR 42153 is Arkema, Inc.