

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

Crystal M. Zorbaugh

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Office of Proceedings
September 23, 2021
Part of
Public Record

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

September 23, 2021

Via E-Filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20006

Re: Flint Hill Resources Railroad, LLC - Construction and Operation Exemption – Hardin County, Iowa, FD 36439

Dear Ms. Brown:

As the Board is aware, on February 1, 2021, Flint Hill Resources Railroad, LLC (“FHRR”) petitioned the Board for authorization to construct and operate an approximately 2.3-mile rail line (the “Line”) in Hardin County, Iowa. A few months thereafter, POET, the world’s largest producer of biofuels, acquired via stock purchase all the bioethanol assets of Flint Hills Resources, including FHRR and the Flint Hill Resources Iowa Falls, LLC plant the railroad was seeking construction authority to serve. Per a stamp decision served July 9, 2021, the Board granted POET’s request to hold the proceeding in abeyance, while POET explored its competitive transportation options and evaluated the project and its alignment with POET’s long-term objectives.¹ POET is grateful to the Board for it giving it time to explore considerations related to POET’s Flint Hill Resources Iowa Falls, LLC operations and is writing to update the Board on the status of POET’s efforts.

POET remains uncertain how long it needs to fully evaluate the project but can report to the Board that it has begun meaningful efforts to do so. Over the past three months, POET has taken a deeper dive into what was proposed to the Board and the project’s potential impact on the competitiveness of the Flint Hill Resources Iowa Falls, LLC plant. POET has also started exploring commercial solutions with Union Pacific Railroad Company. The pace of POET’s progress has been slower than hoped for due to remote working, continuing impacts related to Covid-19, and even summer vacations. Because POET still has much work to do and out of respect for the Board’s limited resources, POET believes the abeyance should remain in place. Given there are three major holidays on the horizon, Thanksgiving, Christmas, and New Year’s Day, POET believes that what makes the most sense is that POET is given until February 6, 2022, to explore competitive considerations related to the project and a possible commercial solution. POET would be happy to provide a status update on February 6, 2022, or earlier, if POET’s evaluation of the Project is completed earlier. If

¹ The July 9th decision directed POET to file a status report by October 6, 2021.

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there are any questions about this matter, please contact me directly by phone at (202) 663-7831 or by e-mail at czorbaugh@bakerandmiller.com.

Sincerely,

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh
Attorney for Flint Hill Resources Railroad, LLC

cc: Ben Sweat (POET)
Jamie Hendrickson (POET)
Danielle Gosselin (STB-Acting Director Office of Environmental Analysis)
Parties of Record