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December 10, 2021

Ms. Cynthia T. Brown
Section Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Notice of Withdrawal and Substitution of Counsel

Dear Ms. Brown:

I am writing on behalf of Union Pacific Railroad Company to notify you and the Surface Transportation Board (collectively referred to as the "Board"), as well as all relevant Parties of Record, that Jeremy Berman has withdrawn from serving as Union Pacific counsel effective immediately.¹ Please make the following substitutions in the pending matters identified below:

Please substitute Whitney Larkin, General Attorney, for Jeremy Berman in:

EP 328 (Sub No. 2) Investigation of Tank Car Allowance System

NOR 42144 *North America Freight Car Association; American Fuel & Petrochemicals Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated v. Union Pacific RR Co.*

NOR 42150 *Valero Marketing and Supply Co. and Valero Rail Partners, LLC v. Union Pac. RR Co.*

NOR 42152 *Tesoro Refining & Marketing Co. LLC; Tesoro Great Plains Gathering & Marketing, LLC; and Dakota Prairie Refining, LLC v. Union Pacific Railroad Co.*

NOR 42153 *Arkema Inc. v. Union Pacific Railroad Company*

NOR 42164 *Olin v. Union Pacific Railroad Company*

NOR 38376 *United States Department of Energy and United State Department of Defense v. Aberdeen & Rockfish Railroad Company, et. al.*

EP 665 *Rail Transportation of Grain, Rate Regulation Review*

¹ This list is intended to include all pending Surface Transportation Board matters in which Jeremy Berman was counsel. If any pending matter has been unintentionally omitted, Jeremy Berman withdraws from that matter as well.

EP 711 *Reciprocal Switching*

EP 722 *Railroad Revenue Adequacy*

EP 756 *Market Dominance Streamlined Approach*

EP 766 *Joint Petition for Rulemaking – Annual Revenue Adequacy Determinations*

EP 768 *Petition for Rulemaking to Adopt Rules Governing Private Railcar Use by Railroads*

FD 32760 46

BNSF Railway Company – Terminal Trackage Rights – Kansas City Southern Railway Company and Union Pacific Railroad Company

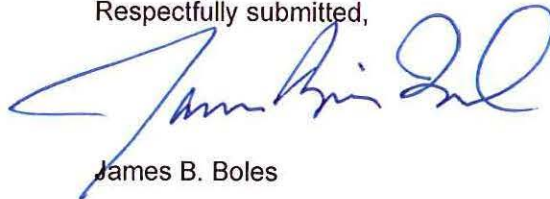
FD 36471

Colorado, Midland & Pacific Railway Company – Lease and Operation Exemption Containing Interchange Commitment – Union Pacific Railroad Company

NOR 42171 *Sanimax USA, LLC v. Union Pacific Railroad Company*

Union Pacific intends to make counsel substitution in all pending Board proceedings in which Jeremy Berman is serving as counsel. If any matter has been inadvertently omitted, then Union Pacific respectfully requests counsel substitution of Whitney Larkin be made in that proceeding.

Respectfully submitted,



James B. Boles

cc:

Michael L. Rosenthal

Service List Parties of Record in above-identified proceedings