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ENTERED
Office of Proceedings
February 7, 2022
Part of
Public Record

Crystal M. Zorbaugh

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February 7, 2022

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

 GRANTED Office of Proceedings	DECISION ID NO.: 51131
	DECIDED DATE: 2/18/2022
	SERVED DATE: 2/18/2022
	APPROVED:  Acting Director
	In abeyance until further order. Status report to be filed by ☒ 6/7/2022.

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, as extended by a subsequent decision of the Board’s on September 30, 2021, the Board granted two requests by POET 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. POET is writing to update the Board on the status of its efforts.

Since POET filed a status report on September 23, 2021, it has been in ongoing discussions with Union Pacific Railroad Company (“UP”) aimed at reaching an appropriate commercial solution. Specifically, in late December 2021, POET proposed a commercial solution to UP. Due to conflicting railroad priorities, POET is still awaiting a response. We understand UP’s response has been delayed due to various competing railroad interests being addressed by UP. POET understands that just recently Chairman Oberman in a public hearing in a different proceeding expressed a desire for parties to strive to reach commercial solutions whenever possible. POET is trying to do exactly that here but needs to keep the abeyance in place to allow for the completion of that process. POET respectfully requests that the proceeding

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be held in abeyance for an additional four (4) months, until June 7, 2022. If 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