



LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. STREET, NW SUITE 300
WASHINGTON, DC 20006

ENTERED
Office of Proceedings
August 23, 2022
Part of
Public Record

(202) 508-1065 (O)
(202) 365-8409 (C)
TOM@TWILCOXLAW.COM
WWW.TWILCOXLAW.COM

August 23, 2022

By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: STB Docket NOR 42173, *Omaha Public Power District v. Union Pacific Railroad Company*

Dear Ms. Brown:

Please accept for filing this letter briefly responding to the “Response to OPPD’s Reply” filed yesterday by the defendant, Union Pacific Railroad Company (“UP”). OPPD strongly disagrees with UP’s characterization of OPPD’s Reply to UP’s Motion for Protective Order. OPPD in no way suggested or proposed that any discovery in this case should be suspended. On the contrary, at page 6 of its Reply OPPD expressly stated that “[t]he Board should not stay any discovery in this case.” OPPD also pointed out that UP’s attempt to limit discovery as its motion requests is not supported by any agency precedent and granting the motion would wrongly reward UP for refusing to comply with the letter and spirit of the Board’s procedural rules governing rate complaint cases by taking no action whatsoever to prepare for the discovery phase of this case.

Please do not hesitate to call me if you have any questions.

Sincerely,

Thomas W. Wilcox
An attorney for Omaha Public Power
District

Cc: Counsel for Defendant