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ENTERED
Office of Proceedings
September 19, 2022
Part of
Public Record

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September 19, 2022

By E-Filing

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

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

Dear Ms. Brown:

This letter responds to the Decision served by the Director of the Office of Proceedings in this case on September 15, 2022. In that Decision, Omaha Public Power District (“OPPD”) and Union Pacific Railroad Company (“UP”) were directed to “meet and confer on the discovery issues raised in OPPD’s motion to compel and inform the Board by September 19, 2022, whether there are any outstanding issues that cannot be resolved by the parties.”

Counsel for OPPD and UP have conferred by telephone to discuss the Decision, the Motion to Compel, and UP’s Reply to the motion. With the concurrence of UP counsel, the undersigned OPPD counsel reports the following results of their discussion:

1. The parties have agreed to work in good faith to reach agreement on the information to be produced by UP in response to Interrogatories 5, 9, and 10, as well as UP’s production of documents in response to OPPD’s related requests for production of documents that seek information about UP’s facilities and operations in Nebraska. There is therefore no need for the Board to address this aspect of OPPD’s motion at this time.
2. In its Reply, UP stated the information requested by OPPD in Interrogatory 19 may be found in filings UP has made to the Securities and Exchange Commission. OPPD has agreed to review UP’s SEC filings for responsive

Law Office of Thomas W. Wilcox, LLC

Letter to Cynthia T. Brown
September 19, 2022
Page 2

information. Consequently, there is no need for the Board to address this aspect of OPPD's motion at this time.

3. The parties continue to be in dispute over UP's responses and objections to Interrogatories 11, 12, 18, 20, and 21. However, both are amenable to Board staff and/or the liaison appointed for this case convening a conference with the parties to attempt to narrow the issues prior to the Board taking further action on the Motion as to these requests.

Please do not hesitate to call me if you have any questions. I certify I have served a copy of this letter on counsel for defendant.

Sincerely,



Thomas W. Wilcox
Counsel for Omaha Public Power District

Cc: Michael L. Rosenthal, Esq., Counsel for Union Pacific Railroad Company