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

Re: STB Finance Docket No. 36609, *Foster Poultry Farms – Ex Parte*
Petition for Emergency Service Order

Dear Ms. Brown:

This letter is submitted on behalf of Foster Poultry Farms (“Foster Farms”) to provide additional detail surrounding statements made in Foster Farms’ *Ex Parte* Petition for Second Emergency Service Order about the harm to the dairy cattle and chickens which are supplied feed processed by Foster Farms. Specifically, page 4 of the Petition describes how the lack of deliveries of corn by UP has caused Foster Farms to cease supplying feed to approximately 400 dairy cattle customers overseeing approximately 800,000 head of cattle. To elaborate, this means the cattle are not receiving any feed from corn Foster Farms has received from UP, but also from any corn Foster Farms has been purchasing and transporting from the other modes and means described in the Petition in order to try and mitigate the harm from UP’s service failures. As explained at page 5 of the first *Ex Parte* Petition filed by Foster Farms in June 2022, unless the dairy cattle are receiving feed from other sources they are slowly starving, which obviously eventually leads to death but in the meantime it means that the cattle reduce and may eventually stop producing milk while causing material and in Foster Farms opinion lasting health issues.

The Petition also states that “by early January, Foster Farms will be unable to feed any of the 40 to 50 million chickens it owns and/or supplies feed to in California.” To elaborate, the decision to cut off feed to dairy cattle was made to preserve as much corn for feeding the chickens, which are more susceptible to starvation and quick death. Foster Farms continues, at great cost,

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to search for and purchase corn from any available sources to be trucked into its facilities for the purpose of keeping the chickens alive while Foster Farms awaits the delivery of unit trains of corn by UP. Foster Farms is unable to feed their dairy and other livestock customers and believes that these efforts to feed the poultry will be exhausted by January 7th. To make this later date Foster Farms will need to continue to find 25 to 35 truckloads of corn each day to continue to feed these chickens. In the absence of the arrival of a unit train from UP, at that point chickens will start to starve and or attack one another as they fight for survival. Foster Farms therefore seeks intervention from the Board to (1) immediately provide the volumes of corn its facilities require to function; and (2) mitigate the costs and other damages Foster Farms is incurring on a daily basis to find corn to feed its chickens.

Please do not hesitate to call me if you have any questions. I certify that I have served this letter on counsel for UP and the other parties listed below.

Sincerely,



Thomas W. Wilcox

Attorney for Foster Poultry Farms

CC: Counsel for Union Pacific Railroad Company
Janie Sheng, Surface Transportation Board