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December 30, 2022

By E-Filing

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:

In response to an inquiry from Surface Transportation Board (“STB” or “Board”) staff about the “current ETAs” for the five trains UP asserts in its Reply to Foster Farms’ *ex parte* petition for a second emergency service order are supposedly enroute to Foster Farms’ facilities,¹ Foster Farms states as follows: UP has been providing estimated times for arrival of loaded unit trains for two weeks, and it has failed to meet any of those times. This persistent failure eventually led to the dire circumstances described in the current *Ex Parte* Petition and the need for Board intervention and an emergency service order that directs UP to deliver the trains immediately, subject to penalties for non-compliance.

At this point, Foster Farms has no confidence that UP will meet any of the listed ETAs without aggressive Board oversight. This being said, in the event UP was directed to deliver all of the loaded trains on the schedule listed in Mr. Moore’s statement, and actually delivered all five trains by January 3 as he represents,² this would alleviate the immediate feed crisis.

¹ Verified Statement of Bradley S. Moore at 3-4.

² Foster Farms notes that Mr. Moore immediately qualified his stated ETAs for three of the five trains, stating they could be delayed by weather.

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I certify that this letter is being served on counsel for UP by email.

Respectfully submitted,



Thomas W. Wilcox

Attorney for Foster Poultry Farms

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