



American
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April 24, 2023

The Honorable Martin J. Oberman, Chairman
The Honorable Patrick J. Fuchs, Member
The Honorable Michelle A. Schultz, Member
The Honorable Robert E. Primus, Member
The Honorable Karen J. Hedlund, Member
United States Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Via Electronic Filing

306509

ENTERED
Office of Proceedings
April 25, 2023
Part of
Public Record

Re: Consolidated Docket Nos. NOR 42144, 42150, 42153, & ~~42154~~
42152

Dear Board Members,

On behalf of the Complainants in the proceedings referenced above,¹ the American Fuel & Petrochemical Manufacturers (AFPM) writes to inquire on the status of our challenge to Union Pacific's tariff on transporting certain empty railcars to maintenance facilities. The case is *North America Freight Car Association v. Union Pacific Railroad* (Docket No. NOR 42144, filed March 31, 2015).

This complaint was filed more than eight years ago. Supplemental briefing concluded on May 21, 2021, and there have been no updates to the case since then. It would be greatly appreciated if the Board could provide us with any information you may have on the status of this case and the timeline for this case to come to a decision.

We greatly appreciate the work of the Board in the ongoing investigation and look forward to hearing from you.

Respectfully,

Richard Moskowitz
General Counsel
American Fuel & Petrochemical Manufacturers
rmoskowitz@afpm.org

Cc: Michael J. Rosenthal, Counsel for Defendant, Union Pacific Railroad Company

¹ The Complainants in Docket NOR 42144 are the North America Freight Car Association; the American Fuel & Petrochemical Manufacturers; The Chlorine Institute, Inc.; The Fertilizer Institute; the American Chemistry Council; Ethanol Products, LLC d/b/a POET Ethanol Products; POET Nutrition, Inc.; and Cargill Incorporated. The Complainants in Docket NOR 42150 are Valero Marketing and Supply Company and Valero Rail Partners, LLC. The Complainants in Docket NOR 42152 are Tesoro Refining & Marketing Company, LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC. The Complainant in Docket NOR 42153 is Arkema, Inc.



Certificate of Service

I certify that, on April 24, 2023, I caused a copy of the foregoing document to be served by e-mail or other appropriate service on counsel for all parties of record in this proceeding.

/s/ Richard Moskowitz

Richard Moskowitz

General Counsel