

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
November 20, 2023
Part of
Public Record

OMAHA PUBLIC POWER DISTRICT, Complainant, v. UNION PACIFIC RAILROAD COMPANY, Defendant.	)))))))))))	Docket No. NOR 42173
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UNOPPOSED MOTION TO DISMISS WITH PREJUDICE

Omaha Public Power District (“OPPD”), the Complainant in this proceeding, hereby moves to voluntarily dismiss its complaint against Union Pacific Railroad Company (“UP”) with prejudice. In support of this motion, OPPD states as follows:

1. On July 22, 2022, OPPD filed a Complaint in this proceeding seeking certain relief under 49 U.S.C. §§11071 and 11704, and other authorities and Surface Transportation Board (“Board”) precedent.
2. By decision served on April 28, 2023, the Director of the Board’s Office of Proceedings granted a Joint Motion to Hold in Abeyance filed by OPPD and UP, the parties having informed the Board in their joint motion that they were in in active negotiations regarding the subject of the captioned proceeding and that both parties expected the negotiations would eliminate the need for further Board action.
3. Subsequent to service of the decision holding this case in abeyance OPPD and UP continued to negotiate in good faith to reach a mutually agreeable commercial solution to their dispute.

4. OPPD hereby informs the Board that the parties' negotiations have successfully concluded with a voluntary and confidential resolution of all the matters at issue in this proceeding.

WHEREFORE, for the reasons set forth above, OPPD hereby requests that the Board enter an order dismissing OPPD's Complaint against UP with prejudice, and to discontinue this proceeding. The undersigned is authorized to represent that UP does not oppose this motion.

Respectfully submitted,

/ss/Thomas W. Wilcox

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Attorneys for Omaha Public Power District

November 20, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November, 2023, I served a copy of the foregoing Unopposed Motion to Dismiss by electronic mail upon the following counsel for Union Pacific Railroad Company:

Michael Rosenthal
Covington Burling
mrosenthal@cov.com

/ss/ Thomas W. Wilcox

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2023, I caused a copy of the foregoing document to be served by email on all parties of record in STB Docket No. NOR 42173.

/s/ Thomas W. Wilcox