



# Surface Transportation Board

Washington, D.C. 20423-0001

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Office of Proceedings

Meeting under Section 5, STB Reauthorization Act November 29, 2023

January 3, 2023

Part of

Public Record

Present: Members Fuchs, Hedlund, Oberman, Primus, and Schultz  
Staff William Brennan, Rachel Campbell, Anika Cooper, Christopher  
Diamond, Mai Dinh, Ellen Erichsen, Amanda Gorski, Kim Hillenbrand,  
Frederick Horne, Craig Keats, Lisa Novins, Shelia Perry, Valerie Quinn,  
Thomas Quinn, Jetta Sandin, Janie Sheng, Michael Small, Charles Vance

Topic: Docket No. NOR 42173, Omaha Public Power District v. Union  
Pacific Railroad Company

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

In this matter, Omaha Public Power District (OPPD) filed a complaint pursuant to 49 U.S.C. §§ 11701 and 11704 challenging the reasonableness of a charge assessed by Union Pacific Railroad Company (UP) under UP's "UP Reciprocal Switching Circular" for transportation between an OPPD power plant and a UP interchange with BNSF Railway Company, each in Omaha, Neb. At this meeting, staff briefed Board Members on UP's motion to dismiss, OPPD's reply, and the related filings. Staff and Board Members discussed the factual background, the parties' arguments, and options for the Board's resolution of UP's motion to dismiss.