

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Chief Counsel
June 3, 2026
Part of
Public Record

Docket No. FD 36930

YOOKEL, INC. AND B & J GROUP, INC.—PETITION FOR DECLARATORY ORDER

CONSOLIDATED RAIL CORPORATION’S REPLY

MICHAEL L. ROSENTHAL
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, DC 20001
(202) 662-6000
mrosenthal@cov.com

*Attorney for Consolidated Rail
Corporation*

June 3, 2026

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36930

YOOKEL, INC. AND B & J GROUP, INC.—PETITION FOR DECLARATORY ORDER

CONSOLIDATED RAIL CORPORATION’S REPLY

In the Petition for Declaratory Order filed by Yookel, Inc. (“Yookel”) and B & J Group, Inc. (“B&J”), Petitioners claim that a declaratory order is needed to eliminate uncertainty about whether B&J has actual notice of its obligation to pay demurrage to CSX Transportation, Inc. (“CSXT”) and Norfolk Southern Railway Company (“NS”) associated with certain rail service provided to B&J.

Consolidated Rail Corporation (“Conrail”) has no direct stake in this case. As Petitioners recognize, Conrail provides rail services as an agent for CSXT and NS, and Conrail has not itself charged demurrage to B&J.

However, Conrail would be remiss not to note that there appears to be no uncertainty to eliminate regarding B&J’s actual notice of its demurrage obligation. In 2019, the United States District Court for the Eastern District of Pennsylvania ruled that CSXT had authority to impose demurrage charges on B&J and ordered B&J to pay disputed charges under circumstances that appear indistinguishable from those described in the Petition. *See CSX Transp., Inc. v. B & J Group, Inc.*, 381 F. Supp.3d 438 (E.D. Pa. 2019). In other words, B&J appears to have actual notice of its demurrage obligation.

Respectfully submitted,

/s/ Michael L. Rosenthal
MICHAEL L. ROSENTHAL
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, DC 20001
(202) 662-6000
mrosenthal@cov.com

*Attorney for Consolidated Rail
Corporation*

June 3, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2026, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or a more expeditious manner of delivery on all parties of record in Docket No. FD 36930.

/s/ Michael L. Rosenthal