

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW, Suite 720
Washington, DC 20036

Crystal M. Zorbaugh
czorbaugh@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7831
Facsimile: (202) 464-9123

July 14, 2026

Via E-Filing

Ms. Cynthia T. Brown
Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20006

311777

ENTERED
Office of Chief Counsel
July 14, 2026
Part of
Public Record

Re: Flint Hill Resources Railroad, LLC - Construction and Operation
Exemption – Hardin County, Iowa, FD 36439

Status Report

Dear Ms. Brown:

On February 1, 2021, Flint Hill Resources Railroad, LLC (“FHRR”) petitioned the Board for authorization to construct and operate an approximately 2.3-mile rail line (the “Line”) in Hardin County, Iowa. The Board initiated a proceeding by decision served April 29, 2021. Shortly thereafter, POET, the world’s largest producer of biofuels, acquired via stock purchase all the bioethanol assets of Flint Hills Resources, including FHRR and the Flint Hill Resources Iowa Falls plant that the FHRR was seeking construction authority to serve. Per stamp decisions served on July 9, 2021, September 30, 2021, February 18, 2022, July 6, 2022, July 11, 2023, July 29, 2024, and July 14, 2025, the Board granted has granted several requests by POET to continue to hold the proceeding in abeyance while POET explored its competitive transportation options and evaluated the project and its alignment with POET’s long-term objectives. POET is writing to update the Board on the status of its efforts,¹ and to request a continuation of the abeyance currently in place.

POET and Union Pacific Railroad Company (“UP”) continue to hold commercial negotiations seeking to reach a mutually beneficial commercial agreement. These negotiations have produced, and continue to produce, short-term solutions, even as the parties continue to

¹ The continuance of the abeyance granted on July 14, 2025, included the intention to submit a status report by July 30, 2026. This request for a continuation of the abeyance granted at that time acknowledges the delay in providing the status update discussed in the underlying request.

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work towards a more comprehensive long-term solution. Moreover, POET maintains its willingness to postpone its build-out while these negotiations continue.

The negotiations between POET and UP reflect the Board's strong preference that parties make every effort to reach a commercial solution whenever possible. POET needs to keep the abeyance in place to allow for the completion of that process.

POET has, and is willing to continue, to commit substantial funds (over \$100,000.00) to the project. It is in the interest of POET, however, to develop an adequate long-term solution, and to do so, POET respectfully requests that the Board continue to afford it the time necessary to explore all options before proceeding with the build-out. Should negotiations with UP fail to result in an adequate long-term solution, however, POET must reserve the right to lift the abeyance at any time.

POET respectfully requests that the Board hold the proceeding in abeyance for another year. POET commits to submit a further status report by June 30, 2027.

If there are any questions about this matter, please contact me directly by phone at (202) 663-7831 or by e-mail at czorbaugh@mullinslawgroup.net.

Sincerely,

/s/ *Crystal M. Zorbaugh*

Crystal M. Zorbaugh
Attorney for POET (owner of Flint Hill Resources
Railroad, LLC)

cc: Ben Sweat (POET)
Jamie Hendrickson (POET)
Danielle Gosselin (Director, Office of Environmental Analysis)
Parties of Record