



Department of Energy

Washington, DC 20585

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Office of Chief Counsel
August 31, 2026
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Public Record

August 31, 2026

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20420-0001

RE: Docket Nos. NOR 38302S and NOR 38376S

Dear Chief of Case Administration:

In a decision served on August 5, 2026, the Surface Transportation Board (Board) approved the settlement agreement negotiated by the Government and CSX Transportation, Inc. (CSX). This decision followed the Board's approval in 2005, 2013, and 2017 of earlier, respective agreements between the Government and Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF), and Norfolk Southern Railway Company (NS). These settlements resolved all rate-setting, shipping, and service determination questions between each of these carriers and the Government. Upon approving each settlement, the Board formally dismissed UP, BNSF, NS, and CSX as parties to these proceedings.

Following the Board's 2017 decision approving the NS settlement, the Board released a decision two months later and directed the Government to file an annual report on the progress of settlement negotiations with the remaining railroad defendants. The Board set September 4, 2018, as the due date for the first such report, with subsequent reports to be due on or about the first day of September thereafter. This will update our most recent report of August 28, 2025.

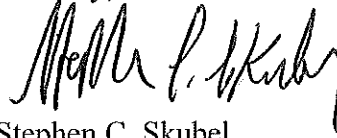
In a letter dated April 16, 2026, the Government advised the Board that it planned to reach out on an individual basis to a discrete number of railroads to explore the possibility of additional agreements related to these proceedings and, consistent with the Board's 2017 directive, proposed reporting to the Board on the status of such efforts by September 1, 2026.

In separate letters dated June 8, 2026, the Government reached out as indicated to Canadian National (CN) and Canadian Pacific Kansas City (CPKC). Our initial June 8, 2026 outreach to Genesee & Wyoming (G&W) was misaddressed, and we connected on August 27, 2026. We met in-person with CN on July 13, 2026, and subsequently provided additional information at its request. CPKC has acknowledged our outreach, and the parties are working to schedule a discussion in the near future. G&W has also indicated its willingness to participate in a discussion.

This will also notify the Board that Stephen C. Skubel plans to leave federal service on October 2, 2026, and will be succeeded in this matter by Erica Safran, Trial Attorney, U.S. Department of Energy, Erica.Safran@doe.gov; Tel. (301) 938-0642.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Skubel". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

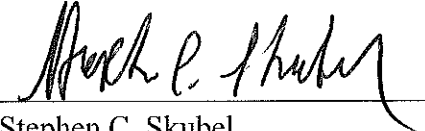
Stephen C. Skubel
Assistant General Counsel
For Litigation
(202) 445-7810
Stephen.Skubel@hq.doe.gov

cc: All Parties of Record, Docket Nos. NOR 38302S and NOR 38376S

Christopher Diamond, CN
Charles W. Webster, CPKC
Allison Fergus, G&W

CERTIFICATE OF SERVICE

I certify that on August 31, 2026, copies of the foregoing status report were served by email or first-class mail on all parties of record listed on the service list for NOR 38302S and NOR 38376S.



Stephen C. Skubel