

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

242878

NORTH AMERICA FREIGHT CAR) ASSOCIATION; AMERICAN FUEL &) PETROCHEMICALS MANUFACTURERS;) THE CHLORINE INSTITUTE; THE) FERTILIZER INSTITUTE; AMERICAN) CHEMISTRY COUNCIL; ETHANOL) PRODUCTS, LLC D/B/A POET ETHANOL) PRODUCTS; POET NUTRITION, INC.;) AND CARGILL INCORPORATED,)) Complainants,)) v.)) UNION PACIFIC RAILROAD COMPANY,)) Defendant.)	ENTERED Office of Proceedings March 30, 2017 Part of Public Record Docket No. NOR 42144
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STATUS REPORT OF NON-PARTY TANK CAR OWNERS FOR MARCH 30, 2017

Union Tank Car Company (“UTC”), GATX Corporation (“GATX”), Trinity Industries, Inc. (“Trinity”), and American Railcar Industries, Inc. (“ARI”) (individually, “Tank Car Owner” or “Owner,” and collectively, “Tank Car Owners” or “Owners”), non-parties to the above-captioned matter, hereby submit this status report in response to the order of Administrative Law Judge Dring served March 3, 2017.

All of the Tank Car Owners have been working to compile and prepare discovery materials for production to Defendant Union Pacific Railroad Company (“UP”) in accordance with the order served October 13, 2016.

On March 24, 2017, UP informed the Tank Car Owners that a copy of the data that UP had obtained from Railinc, with the Tank Car Owners’ authorization, had

been provided to Complainants. Each Tank Car Owners expects to receive a copy of its individual data, but not the data of other Tank Car Owners, from Complainants in the near future.

UTC expects to produce documents to UP next week. ARI, GATX, and Trinity continue to compile and prepare information for production to UP. ARI requested clarification from UP regarding the Item 55-C charges that UP has billed to ARI, but has not yet received a substantive response from UP. ARI, GATX, and Trinity continue to experience problems in compiling ESI documents, particularly the excessive number of hits resulting from the search term string and syntax for RFP 6.¹ Trinity has made a proposal to UP based on an alternative search term string and syntax that provides a more reasonable number of hits. UP is cooperating with this process and is considering the proposed alternative, but has also asked for the results of a second alternative it has proposed. Trinity is in the process of testing the second alternative this week and will advise UP of the results when available. The ultimate modification may also prove helpful to ARI and GATX.

ARI, GATX, and Trinity also continue to advance their compilation of non-ESI information and documents. They anticipate being able to start their non-ESI production shortly and may be able to complete much of that aspect of their production

¹ The October 13, 2016 order specifies: “To the extent any search described below yields an excessive number of ‘hits’ or ‘false positives,’ the affected TCOs and UP will work to resolve the issue jointly through modification of the search terms or syntax. If a resolution is not achieved by agreement, the TCOs and UP shall have the right to return to the undersigned Administrative Law Judge to seek a resolution of the issue.”

within the next month. It is not feasible to provide an estimate of the time frame for completing the ESI-related production until RFP 6 is made manageable, but the other Tank Car Owners continue to work diligently.

Respectfully submitted,

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Dated: March 30, 2017

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CERTIFICATE OF SERVICE

I hereby certify that this 30th day of March, 2017, I have caused copies of the forgoing to be served via first-class mail, postage prepaid, or by more expeditious means, upon all parties of record to this proceeding.

In addition, I have caused a copy of the foregoing to be served by hand on Administrative Law Judge John P. Dring, Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 First Street, N.E., Washington DC 20426.

/s/ Robert D. Rosenberg