

ENTERED
Office of Proceedings
August 3, 2017
Part of
Public Record

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.

NOR 42144, *et al*
(consolidated)

COMPLAINANTS' ELEVENTH BI-WEEKLY STATUS REPORT

Pursuant to the Decision served in this case on March 3, 2017, the Complainants in this case hereby submit the following eleventh report on the status of discovery in this case. The report follows the four categories of information listed in the Decision.

1. Progress Accomplished Since Tenth Status Report

a. POET Ethanol and POET Nutrition have completed their responses to all outstanding discovery requests.

b. Cargill, Incorporated – Cargill responded to the last of UP’s follow-up questions on August 3, 2017. Cargill has now provided responses to all of UP’s follow-up questions relating to Cargill’s prior productions of data and documents. The deposition of Cargill’s representative has been scheduled for September 20, 2017 at Cargill’s offices in

Wayzata, Minnesota.

2. Outstanding Discovery Matters

As Complainants and Defendant represented to Judge Dring in the first discovery conference, they have agreed upon stipulations in lieu of responses to certain discovery requests posed by both parties to the other. Up to this point, however, the parties have not executed the Stipulation Agreement to which they have agreed. Last week, UP provided minor syntax and grammatical edits to the document, which Complainants have accepted and executed. UP has not yet executed the Stipulation Agreement.

Complainants' understand that three of the four tank car owners subject to the subpoenas served by UP have produced documents to UP pursuant to the decisions in this case.

3. Participants' Plans to Address Outstanding Discovery

a. Cargill has completed its responses to all outstanding UP discovery requests and has responded to all of UP's follow up questions. The deposition of Cargill's representative has been scheduled for September 20, 2017 at Cargill's offices in Wayzata, Minnesota.

4. Estimated Time Required to Address Outstanding Discovery Concerns

a. Cargill, Incorporated – Please see Cargill's status update in Part 3(a) above.



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Dated: August 3, 2017

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2017, 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 of the parties of record in NOR 42144, *et al* (consolidated).

I also caused a copy of the foregoing document 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.



Thomas W. Wilcox