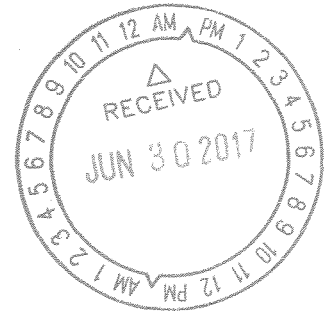




Department of Energy
Washington, DC 20585

June 30, 2017

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, D.C. 20420-0001



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ENTERED
Office of Proceedings
June 30, 2017
Part of
Public Record

RE: Docket Nos. 38302S and 38376S

Dear Ms. Brown:

The August 19, 2013, decision in these dockets (served August 26, 2013, and effective on September 25, 2013), approved the Government's settlement agreement with BNSF Railway Company ("BNSF"), and held that these proceedings would continue to be held in abeyance, with the Government filing quarterly reports on the progress of settlement negotiations. That order followed a prior order in these proceedings entered July 27, 2005 (served August 2, 2005, and effective September 1, 2005), approving the Government's settlement agreement with Union Pacific Railroad Company.

This report updates our most recent report of March 31, 2016, which indicated, inter alia, that on October 20, 2016, Norfolk Southern Railway Company and the Government parties submitted to the Board a joint motion seeking approval of their executed settlement agreement and a prescription of rate methodology. In a decision served on June 28 2017, the Board approved the parties' agreement, prescribed the Agreement's R/VC ratios, rates, and rate update methodologies (as amended), with the proviso that the movants have until July 10, 2017, to object and seek clarification or adjustment of the amendments to the rate methodologies.

Absent further developments or direction from the Board, this will be the final update with respect to Norfolk Southern Railway Company.

Sincerely,

Stephen C. Skubel
Assistant General Counsel
For Litigation
(202) 586-5579

cc: Attached Service List



CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2017, copies of the foregoing document were served by prepaid first-class mail on counsel for the major carrier parties of record and counsel for other parties participating in related proceedings by mailing copies to the following:

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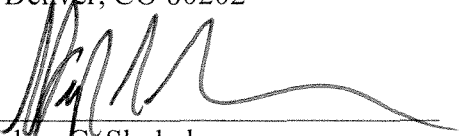
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