

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

244292
244293
244294

<u>NORTH AMERICA FREIGHT CAR</u>	)	
ASSOCIATION; AMERICAN FUEL &	)	
PETROCHEMICAL MANUFACTURERS;	)	
THE CHLORINE INSTITUTE; THE	)	
FERTILIZER INSTITUTE; AMERICAN	)	
CHEMISTRY COUNCIL; ETHANOL	)	
PRODUCTS, LLC D/B/A POET ETHANOL	)	NOR 42144, 42150, 42152
PRODUCTS; POET NUTRITION, INC.; and	)	
CARGILL INCORPORATED	)	
	)	
vs.	)	
	)	
UNION PACIFIC RAILROAD	)	
<u>COMPANY</u>	)	

ENTERED
Office of Proceedings
September 7, 2017
Part of
Public Record

JOINT WEEKLY STATUS REPORT – SEPTEMBER 7, 2017

Complainants Valero Marketing and Supply Company and Valero Rail Partners, LLC, Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC (collectively, “Complainants”), and Defendant Union Pacific Railroad Company (“Union Pacific”) submit this status report on discovery progress as requested by Administrative Law Judge Dring at a status conference on April 19, 2017.

1. Valero Marketing and Supply Company and Valero Rail Partners, LLC proposed to Union Pacific a compromise position on pending discovery issues. The parties conferred on this proposal via telephone on Monday, July 10, 2017. The Valero entities have reviewed revised stipulations from Union Pacific and, on September 5, 2017, the Valero entities relayed proposed edits to those stipulations.

2. Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC proposed to Union Pacific a compromise

position on pending discovery issues. Union Pacific provided proposed stipulations in response to these proposals on August 22, 2017. The Tesoro entities are reviewing these stipulations.

3. On August 16, 2017, Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC served their second set of discovery requests to Union Pacific. Union Pacific served its responses to these discovery requests on August 31, 2017. The parties intend to meet and confer on these responses early next week.

4. The Tesoro and Valero entities are continuing to review documents to make additional productions to Union Pacific. Given the large volume of documents being reviewed, the Tesoro and Valero entities do not anticipate making additional productions this week.

Respectfully submitted,

/s/ Michael L. Rosenthal (with permission
– JHS)

Michael L. Rosenthal
Kavita Pillai
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, D.C. 20001

Rhonda S. Ferguson
Louise A. Rinn
Craig V. Richardson
Danielle E. Bode
Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

*Attorneys for Union Pacific Railroad
Company*

Dated September 7, 2017

/s/ Peter Whitfield

Peter Whitfield
Houston Shaner
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004

*Attorneys for Valero Marketing and
Supply Company, Valero Rail Partners,
LLC, Tesoro Refining & Marketing
Company LLC, Tesoro Great Plains
Gathering & Marketing LLC, and Dakota
Prairie Refining, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2017, I have caused a copy of the foregoing to be served by hand, email, or first-class mail on counsel for the parties of record for NOR 42144, NOR 42150, and NOR 42152. I further certify that I have caused a copy of the foregoing to be served by hand delivery on the Honorable John P. Dring, Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 First Street, N.E., Washington, DC 20426.

/s/ Houston Shaner _____
Houston Shaner