

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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<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
April 27, 2017
Part of
Public Record

JOINT WEEKLY STATUS REPORT – APRIL 27, 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. With Union Pacific’s agreement, Complainants filed on Tuesday a motion to amend the protective order in NOR 42144 to include the proceedings and parties in the now consolidated cases, NOR 42150 and NOR 42152.

2. Counsel for Complainants and Union Pacific conferred by telephone on April 25, 2017, to discuss discovery issues.

3. The parties have reached a broad agreement in principle on the protocol for production of electronically stored information.

4. Complainants expect to begin production next month of several categories of information, including tank car fleets, tank car movements, payments information, ownership and maintenance costs, and repair or retrofit information.

5. Complainants will serve their own limited discovery on Union Pacific.

6. Complainants note that discovery has been open in this matter since at least April 2015, but Complainants' cases were only consolidated into these proceedings as of March 31, 2017. Complainants will make reasonable efforts to complete discovery as expeditiously as possible so that the Board may rule on the merits of this dispute.

Respectfully submitted,

/s/ Kavita Pillai (with permission – JHS)

Kavita Pillai
Michael L. Rosenthal
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 April 27, 2017

/s/ Justin A. Savage

Justin A. Savage
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 April 27, 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