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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

ENTERED  
Office of Proceedings  
September 14, 2017  
Part of  
Public Record

|                                     |   |                         |
|-------------------------------------|---|-------------------------|
| <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>                      | ) |                         |

**JOINT WEEKLY STATUS REPORT – SEPTEMBER 14, 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, the Tesoro entities 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 met and conferred on these responses on September 12, 2017. In that conference, the Tesoro entities provided proposals and information intended to refine the scope of the requests and assist with Union Pacific's searches for responsive documents. Union Pacific is reviewing these proposals.

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)

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Dated September 14, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 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 email on the Honorable John P. Dring of the Federal Energy Regulatory Commission.

/s/ Houston Shaner  
Houston Shaner