

July 18, 2011

*via electronic filing*

Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20423

ENTERED  
Office of Proceedings

JUL 1 2011

Part of  
Public Record

**RE: Docket No. NOR 42125, E.I. du Pont de Nemours and Company v.  
Norfolk Southern Railway Company**

Dear Ms. Brown:

230631

Enclosed for filing in the above-captioned case please find the Second Amended Complaint of E.I. du Pont de Nemours and Company ("DuPont"). This Second Amended Complaint is materially the same as the First Amended Complaint filed by DuPont on May 11, 2011, except as follows:

1. Lanes 7, 12, 28, 95 and 133 of the First Amended Exhibit B have been deleted.
2. The routing of Lane 138 in the First Amended Exhibit B has been corrected from "NS-ESTL-UP" to "NS-ESTL-BNSF".
3. The destination of Lane 134 in the First Amended Exhibit B has been corrected from "Ferguson, TN" to "Ferguson, MS."
4. The commodity descriptions in Exhibits A and B to the First Amended Complaint that previously referenced "Anhydrous Dimethylamine" or "Anhydrous Trimethylamine" have been changed to "Anhydrous Methylamine." This single description encompasses Anhydrous Mono-, Di-, and Tri-methylamines. The STCC, which has not changed, is identical for all three methylamines.
5. The commodity descriptions in Exhibits A and B to the First Amended Complaint that previously referenced "Aqueous Dimethylamine" has been changed to "Aqueous Methylamine." This single description encompasses Aqueous Mono-, and Di-methylamines. The STCC, which has not changed, is identical for both methylamines.

The sole purpose of this Second Amended Complaint is to remove five lanes, correct two errors, and clarify the descriptions of two commodities. It does not in any way expand the scope of this proceeding.

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If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Jeffrey O. Moreno  
Sandra L Brown  
*Counsel for E.I. du Pont de Nemours and Company*

Enclosure

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

|                                    |   |                      |
|------------------------------------|---|----------------------|
| E.I. DUPONT DE NEMOURS AND COMPANY | ) |                      |
|                                    | ) |                      |
| Complainant.                       | ) |                      |
|                                    | ) |                      |
| v.                                 | ) | Docket No. NOR 42125 |
|                                    | ) |                      |
| NORFOLK SOUTHERN RAILWAY COMPANY   | ) |                      |
|                                    | ) |                      |
| Defendant.                         | ) |                      |
|                                    | ) |                      |

**SECOND AMENDED COMPLAINT**

COMES NOW Complainant, E.I. du Pont de Nemours and Company ("DuPont"), 1007 Market Street, Wilmington, DE 19898, and files this Second Amended Complaint against Defendant, Norfolk Southern Railway Company ("NSR"), Three Commercial Place, Norfolk, VA 23510. DuPont brings this Amended Complaint pursuant to 49 U.S.C. §§ 10701, 10704, 10707, 11701 and 11704, and 49 C.F.R. Part 1111. DuPont requests that the Surface Transportation Board ("STB" or "Board") prescribe reasonable rates and service terms for NSR's transportation of the movements set forth in Exhibits A and B to this Amended Complaint. DuPont asks the Board to award damages, plus interest, to the extent that DuPont has paid or will pay common carrier rates in excess of a reasonable maximum rate for such transportation, beginning on June 1, 2009. DuPont asks this Board to determine the reasonableness of NSR's rates using the constrained market pricing principles and procedures adopted in *Coal Rate Guidelines—Nationwide*, Ex Parte No. 347 (Sub-No. 1), 1 I.C.C. 2d 520 (1985), as further refined and applied in subsequent decisions issued by the Interstate Commerce Commission and the Board.

In support of this Amended Complaint, DuPont states as follows:

### **The Parties**

1. DuPont is a corporation organized under the laws of the State of Delaware, with its principal place of business in Wilmington, Delaware. DuPont is a science company. It combines biology and chemistry to manufacture products that meet societal needs for safe and abundant food, alternative fuels, fibers such as Kevlar® and Nomex® (used to protect first responders, police and military personnel), and other sustainable solutions that enable a better, safer and healthier life for people everywhere. In the United States, DuPont employs over 26,000 workers in 47 states. In addition to providing jobs and tax revenues to communities in nearly every state in the Union, DuPont is a vital contributor to our nation's balance of trade -- in 2009, the Company was our nation's 11<sup>th</sup> largest exporter. DuPont is a major user of rail service to transport materials and products that it consumes and produces at its facilities in the United States and that it sells to customers domestically and around the world.

2. NSR is a Class I common and contract carrier by railroad that engages in the transportation of property in interstate and intrastate commerce. Its headquarters are in Norfolk, Virginia. NSR is subject to the Interstate Commerce Commission Termination Act of 1995 (49 U.S.C. §§ 10101 *et seq.*) and to the jurisdiction of the Board.

### **Description of the Issue Movements**

3. In this Amended Complaint, DuPont challenges the reasonableness of NSR's rates for the movement of 27 commodities between 160 origin and destination pairs set forth in Exhibits A and B.

4. NSR transports the commodities between the points identified in Exhibit A in single line service. Lanes in Exhibit A have been subject to NSR tariff rates since June 15, 2010 or May 4, 2011, as specified in the Exhibit.

5. NSR transports the commodities between the points identified in Exhibit B in joint line service. NSR has published AAR Accounting Rule 11 rates for these movements. The lanes in Exhibit B, Part 1, have been subject to NSR tariff rates since June 1, 2009. The lanes in Exhibit B, Part 2, have been subject to NSR tariff rates since June 15, 2010. The lanes in Exhibit B, Part 3, have been subject to NSR tariff rates beginning on various dates between June 1, 2009 and May 4, 2011, as specified in the Exhibit. DuPont has contracts with the connecting carriers for each of the movements in Exhibit B.

#### **The Challenged Rates**

6. Prior to June 1, 2009, NSR transported the commodities between the points identified in Exhibit A and Part 1 of Exhibit B pursuant to a Master Contract with DuPont. Upon expiration of the Master Contract, the common carrier tariff rates that currently are consolidated in NSRQ 64869 and 65720 became applicable, as specified.

7. Prior to June 15, 2010, NSR transported the commodities between the points identified in Exhibit A and Part 2 of Exhibit B pursuant to a Master Contract with DuPont. Upon expiration of the Master Contract, the common carrier tariff rates that currently are consolidated in NSRQ 65718, 65720, and 70022 became applicable.

8. Between June 1, 2009 and May 4, 2011, NSR published the rates in Part 3 of Exhibit B for new DuPont traffic. NSR published these common carrier tariff rates that currently are consolidated in NSRQ 65720 and 70022 became applicable.

9. Over two-thirds of the challenged rates have R/VC ratios above 300% and more than half of the challenged rates have R/VC ratios above 400%. Six of the challenged rates have R/VC ratios above 600% and eight rates exceed 700%.

10. In this Amended Complaint, DuPont challenges the reasonableness of the NSR tariff rates identified in Exhibits A and B, as of the dates specified for each lane in those exhibits.

### **Jurisdictional Allegations**

11. NSR possesses market dominance over the movements in Exhibits A and B. Therefore, pursuant to 49 U.S.C. § 10707, the Board has jurisdiction over the rates and services provided by NSR and challenged by DuPont as unreasonable.

12. The rates charged by NSR and challenged by DuPont for each of the movements in Exhibits A and B exceed 180 percent of NSR's variable cost for the service requested by DuPont, as determined in accordance with 49 U.S.C. § 10707(d)(1).

13. There is a lack of effective competition from other rail carriers for each of the movements in Exhibits A and B because NSR is the only rail carrier that provides service at either the origin or the destination. There is a lack of effective competition from non-rail modes for each of the movements in Exhibits A and B.

### **Requested Relief**

14. NSR's common carrier rates for handling the movements in Exhibits A and B are unreasonable and violate 49 U.S.C. §§ 10701(d)(1) and 10702, which require NSR to establish reasonable rates. The Board should order NSR to cease these violations and it should prescribe maximum reasonable rates pursuant to 49 U.S.C. § 10704(a)(1).

15. The Board should award reparations to DuPont, as provided under 49 U.S.C. § 11704(b). The reparations should compensate DuPont for any and all amounts paid in excess

of the reasonable rates prescribed by the Board pursuant to this proceeding, plus interest, beginning on the dates specified for each of the lanes in Exhibits A and B.

16. The Board should prescribe a maximum reasonable rate and award reparations for a combined period of ten years, beginning June 1, 2009.

17. This Amended Complaint includes any and all adjustments to the challenged rates, including adjustments to the applicable fuel surcharges, and any new rates established by NSR for the services described herein.

WHEREFORE, Complainant, E.I. du Pont de Nemours and Company prays that the Board:

(1) require Defendant, Norfolk Southern Railway Company, to answer the charges alleged herein;

(2) assign this Amended Complaint for hearing under 49 C.F.R. Part 1111 and the stand-alone cost approach adopted in *Coal Rate Guidelines—Nationwide*, Ex Parte No. 347 (Sub-No. 1), 1 I.C.C. 2d 520 (1985);

(3) after due hearing and investigation, find that the NSR's common carrier rates applicable to the transportation of the commodities and movements in Exhibits A and B of this Amended Complaint are unreasonable;

(4) prescribe just and reasonable rates and related rules and service terms for the future applicable to the rail transportation of the DuPont traffic in Exhibits A and B, pursuant to 49 U.S.C. §§ 10704(a)(1) and 11701(a);

(5) award DuPont reparations, plus applicable interest, in accordance with 49 U.S.C. § 11704 for unlawful rates set by NSR for the period beginning June 1, 2009 to the effective date of a decision by the Board prescribing just and reasonable rates; and

(6) grant such other and further relief to DuPont as the Board may deem just and proper under the circumstances.

Respectfully submitted,



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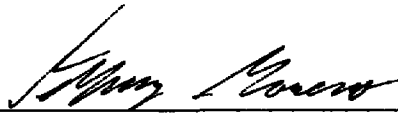
Jeffrey O. Moreno  
Sandra L. Brown  
Jason Tutrone  
Thompson Hine LLP  
1920 N Street, N.W., Suite 800  
Washington, D.C. 20036  
(202) 331-8800

July 18, 2011

## CERTIFICATE OF SERVICE

I hereby certify that I have caused this Second Amended Complaint to be served by hand,  
this 18th day of July 2011, on:

G. Paul Moates  
Paul A. Hemmersbaugh  
Sidley Austin LLP  
1501 K Street, NW  
Washington, DC 20005  
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\_\_\_\_\_  
Jeffrey O. Moreno

**NS LOCAL MOVES**

| Origin            |           | Destination    |           | Route<br>(5) | Commodity Description<br>(6) | STCC<br>(7) | NS Tariff<br>Reference 1/<br>(8) | Effective Date<br>of DuPont<br>Complaint<br>(9) | NS Rate<br>per Car<br>(10) | R/V/C Ratio<br>(11) |
|-------------------|-----------|----------------|-----------|--------------|------------------------------|-------------|----------------------------------|-------------------------------------------------|----------------------------|---------------------|
| City<br>(1)       | ST<br>(2) | City<br>(3)    | ST<br>(4) |              |                              |             |                                  |                                                 |                            |                     |
| 1. <b>REMOVED</b> |           |                |           |              |                              |             |                                  |                                                 |                            |                     |
| 2 Bayway          | NJ        | Waynesville    | NC        | NS           | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$12,014                   | 511%                |
| 3 Belle           | WV        | Danville       | IL        | NS           | DIMETHYL ETHER               | 2813980     | NSRQ 65720                       | June 15, 2010                                   | \$4,626                    | 277%                |
| 4. <b>REMOVED</b> |           |                |           |              |                              |             |                                  |                                                 |                            |                     |
| 5. Belle          | WV        | Lemoine        | AL        | NS           | METHYLAMINE AN               | 2813934     | NSRQ 65720                       | June 15, 2010                                   | \$15,006                   | 606%                |
| 6. Belle          | WV        | Lemoine        | AL        | NS           | METHYLAMINE AQU              | 2818130     | NSRQ 65720                       | June 15, 2010                                   | \$7,152                    | 298%                |
| 7 Belle           | WV        | Manhattan      | IL        | NS           | DIMETHYL ETHER               | 2813980     | NSRQ 65720                       | June 15, 2010                                   | \$8,266                    | 484%                |
| 8. <b>REMOVED</b> |           |                |           |              |                              |             |                                  |                                                 |                            |                     |
| 9 Belle           | WV        | Wyandotte      | MI        | NS           | METHYLAMINE AN               | 2813934     | NSRQ 65720                       | June 15, 2010                                   | \$6,264                    | 503%                |
| 10 Charleston     | TN        | Edgemoor       | DE        | NS           | CHLORINE                     | 2812815     | NSRQ 65720                       | June 15, 2010                                   | \$13,638                   | 703%                |
| 11 Edgemoor       | DE        | Chicago        | IL        | NS           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$9,200                    | 443%                |
| 12. Edgemoor      | DE        | Chillicothe    | OH        | NS           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$6,084                    | 350%                |
| 13. Edgemoor      | DE        | Mahrt          | AL        | NS           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$11,566                   | 491%                |
| 14. Edgemoor      | DE        | Riverwood Intl | GA        | NS           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$5,860                    | 280%                |
| 15. Edgemoor      | DE        | Wabash         | IN        | NS           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$6,193                    | 335%                |
| 16. Lemoine       | AL        | Giant          | SC        | NS           | WASTE FLAMMABLE L            | 4810560     | NSRQ 65720                       | June 15, 2010                                   | \$4,800                    | 234%                |
| 17 Loudon         | TN        | Braithwaite    | LA        | NS           | PROPANEDIOL BIO              | 2818512     | NSRQ 65720                       | June 15, 2010                                   | \$4,125                    | 225%                |
| 18. Louisville    | KY        | Decatur        | IL        | NS           | ACID MURIATIC (HY            | 2819450     | NSRQ 65720                       | June 15, 2010                                   | \$3,302                    | 759%                |
| 19. Louisville    | KY        | Lafayette      | IN        | NS           | ACID MURIATIC (HY            | 2819450     | NSRQ 65720                       | June 15, 2010                                   | \$3,752                    | 280%                |
| 20. Louisville    | KY        | Manhattan      | IL        | NS           | DIFLUOROETHANE               | 2813984     | NSRQ 65720                       | June 15, 2010                                   | \$7,803                    | 484%                |
| 21. Louisville    | KY        | Royce          | NJ        | NS           | DIFLUOROETHANE               | 2813984     | NSRQ 65720                       | June 15, 2010                                   | \$8,435                    | 323%                |
| 22. McIntosh      | AL        | Lemoine        | AL        | NS           | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 15, 2010                                   | \$1,500                    | 369%                |
| 23 Reybold        | DE        | Detroit        | MI        | NS           | SULFURIC ACID                | 2819315     | NSRQ 65720                       | May 4, 2011                                     | \$7,812                    | 408%                |
| 24 Reybold        | DE        | Fort Mill      | SC        | NS           | SULFURIC ACID                | 2819315     | NSRQ 65720                       | May 4, 2011                                     | \$6,108                    | 386%                |
| 25. Reybold       | DE        | Morrisville    | PA        | NS           | SULFURIC ACID                | 2819315     | NSRQ 65720                       | May 4, 2011                                     | \$3,614                    | 596%                |

**NS JOINT MOVES**

|                       | Origin   |        | Destination      |        | Route                | Commodity Description | STCC    | NS Tariff Reference 1/ | Effective Date of DuPont Complaint | NS Rate per Car (10) | R/V/C Ratio (11) |
|-----------------------|----------|--------|------------------|--------|----------------------|-----------------------|---------|------------------------|------------------------------------|----------------------|------------------|
|                       | City (1) | ST (2) | City (3)         | ST (4) |                      |                       |         |                        |                                    |                      |                  |
| 1 Belle               | WV       | CA     | Anaheim          | TX     | NS-CHGO-UP           | DIMETHYL ETHER        | 2813980 | NSRQ 65720             | June 1, 2009                       | \$7,715              | 529%             |
| 2 Belle               | WV       | TX     | Bayport          | TX     | NS-ESTL-UP           | ACID, GLYCOLIC        | 2818620 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 230%             |
| 3 <del>REMOVED</del>  | WV       | TX     | Brownsville      | TX     | NS-FSTL-UP           | DIME THYL FORMAMID    | 2818221 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 243%             |
| 4 Belle               | WV       | ID     | Burley           | ID     | NS-CHGO-UP           | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$7,715              | 532%             |
| 5 Belle               | WV       | MO     | Cadet            | MO     | NS-KCTY-UP           | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$9,563              | 451%             |
| 6 Belle               | WV       | TX     | Channelview      | TX     | NS-ESTL-UP           | METHYLAMINE, AQU      | 2818130 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 243%             |
| 7 <del>REMOVED</del>  | WV       | CA     | City of Commerce | CA     | NS-STRTR-BNSF        | DIME THYL FORMAMID    | 2818221 | NSRQ 65720             | June 1, 2009                       | \$8,561              | 494%             |
| 8 Belle               | WV       | TX     | Conroe           | TX     | NS-ESTL-BNSF         | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 436%             |
| 9 Belle               | WV       | TX     | Corsicana        | TX     | NS-ESTL-UP           | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 434%             |
| 10 Belle              | WV       | MT     | East Billings    | MT     | NS-CHGO-BNSF         | METHYLAMINE, AQU      | 2818130 | NSRQ 65720             | June 1, 2009                       | \$5,132              | 361%             |
| 11 Belle              | WV       | AR     | Ethyl            | AR     | NS-FSTL-UP-MCNEE-LNW | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 435%             |
| 12 <del>REMOVED</del> | WV       | WA     | Finley           | WA     | NS-CHGO-BNSF         | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$7,715              | 523%             |
| 13 Belle              | WV       | TX     | Freeport         | TX     | NS-FSTL-UP           | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 445%             |
| 14 Belle              | WV       | TX     | Freeport         | TX     | NS-ESTL-UP           | METHYLAMINE, AQU      | 2818130 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 243%             |
| 15 Belle              | WV       | LA     | Garyville        | LA     | NS-NEWOR-CN          | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$10,560             | 434%             |
| 16 Belle              | WV       | IA     | Geismar          | IA     | NS-NEWOR-CN          | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$10,560             | 443%             |
| 17 Belle              | WV       | WI     | Janesville       | WI     | NS-CHGO-UP           | DIMETHYL SULFATE      | 2818131 | NSRQ 65720             | June 1, 2009                       | \$7,715              | 515%             |
| 18 Belle              | WV       | TX     | Laredo           | TX     | NS-ESTL-UP           | DIMETHYL FORMAMID     | 2818221 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 243%             |
| 19 Belle              | WV       | TX     | Laredo           | TX     | NS-ESTL-UP           | DIMETHYL SULFATE      | 2818131 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 469%             |
| 20 Belle              | WV       | IL     | Lorenzo          | IL     | NS-CHGO-BNSF         | DIMETHYL ETHER        | 2813980 | NSRQ 65720             | June 1, 2009                       | \$7,715              | 533%             |
| 21 Belle              | WV       | CA     | Los Angeles      | CA     | NS-STRTR-BNSF        | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$6,649              | 405%             |
| 22 Belle              | WV       | CA     | Los Angeles      | CA     | NS-CHGO-UP           | METHYLAMINE, AQU      | 2818130 | NSRQ 65720             | June 1, 2009                       | \$5,132              | 353%             |
| 23 Belle              | WV       | IL     | Millisdaile      | IL     | NS-CHGO-CN           | DIMETHYL SULFATE      | 2818131 | NSRQ 65720             | June 1, 2009                       | \$7,715              | 517%             |
| 24 Belle              | WV       | MN     | Saint Paul       | MN     | NS-CHGO-UP           | DIMETHYL FORMAMID     | 2818221 | NSRQ 65720             | June 1, 2009                       | \$5,132              | 323%             |
| 25 Belle              | WV       | CA     | San Dimas        | CA     | NS-CHGO-UP           | DIMETHYL ETHER        | 2813980 | NSRQ 65720             | June 1, 2009                       | \$7,715              | 536%             |
| 26 <del>REMOVED</del> | WV       | LA     | St Gabriel       | LA     | NS-NEWOR-CN          | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$10,560             | 439%             |
| 27 Belle              | WV       | MO     | St Joseph        | MO     | NS-KCTY-UP           | METHYLAMINE, AQU      | 2818130 | NSRQ 65720             | June 1, 2009                       | \$6,465              | 282%             |
| 28 <del>REMOVED</del> | WV       | TX     | Strang           | TX     | NS-FSTL-UP           | ACID, GLYCOLIC        | 2818670 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 229%             |
| 29 Belle              | WV       | TX     | Strang           | TX     | NS-ESTL-UP           | DIMETHYL FORMAMID     | 2818221 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 227%             |
| 30 Belle              | WV       | TX     | Strang           | TX     | NS-ESTL-BNSF         | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 412%             |
| 31 <del>REMOVED</del> | WV       | TX     | Strang           | TX     | NS-ESTL-UP           | MONOMETHYL FORMAM     | 2819183 | NSRQ 65720             | June 1, 2009                       | \$4,157              | 233%             |
| 32 Belle              | WV       | TX     | Texas City       | TX     | NS-ESTL-UP           | DIMETHYL FORMAMID     | 2818221 | NSRQ 65720             | June 1, 2009                       | \$4,537              | 243%             |
| 33 Belle              | WV       | TX     | Texas City       | TX     | NS-ESTL-UP           | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 441%             |
| 34 Belle              | WV       | MO     | Verona           | MO     | NS-ESTL-BNSF         | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 438%             |
| 35 Belle              | WV       | AR     | West Memphis     | AR     | NS-KCTY-UP           | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$9,563              | 451%             |
| 36 Belle              | WV       | LA     | Winford Spur     | LA     | NS-MERID-KLS         | DIMETHYL ETHER        | 2813980 | NSRQ 65720             | June 1, 2009                       | \$8,939              | 448%             |
| 37 Belle              | WV       | KS     | Wichita          | KS     | NS-ESTL-BNSF         | METHYLAMINE, AN       | 2813934 | NSRQ 65720             | June 1, 2009                       | \$8,093              | 436%             |
| 38 Belle              | WV       | SC     | Greenville       | SC     | UP-NEWOR-NS          | POLYETHYLENE          | 2821142 | NSRQ 65720             | June 1, 2009                       | \$5,713              | 397%             |

NS JOINT MOVES

| Origin<br>City (1)      | Destination<br>City (3) | ST<br>(7) | Route<br>(5)             | Commodity Description<br>(6) | STCC<br>(7) | NS Tariff<br>Reference 1/<br>(8) | Effective Date<br>of DuPont<br>Complaint<br>(9) | NS Rate<br>per Car<br>(10) | R/V Ratio<br>(11) |
|-------------------------|-------------------------|-----------|--------------------------|------------------------------|-------------|----------------------------------|-------------------------------------------------|----------------------------|-------------------|
| 45. Bloomington         | Washington; Warren      | TX        | UP-ESTL-NS               | POLYETHYLENE                 | 2821142     | NSRQ 65770                       | June 1, 2009                                    | \$9,013                    | 425%              |
| 46. Burnside            | McIntosh                | LA        | CN-MOBIL-NS              | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 1, 2009                                    | \$1,092                    | 362%              |
| 47. Charleston; Bradley | Woodstock               | TN        | NS-MEMPHI-CN             | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 1, 2009                                    | \$1,911                    | 191%              |
| 48. Cresap              | Edgemoor                | WV        | DE CSX1-HAGTN-NS         | COKE PETROLIUM CA            | 2991315     | NSRQ 65720                       | June 1, 2009                                    | \$2,341                    | 366%              |
| 49. Duwling             | Fort Mill               | TX        | SC KCS-MERID-NS          | OIL ANILINE                  | 2815112     | NSRQ 65720                       | June 1, 2009                                    | \$4,450                    | 298%              |
| 50. Edgemoor            | Garland                 | DE        | TX NS-MERID-KCS          | TITANIUM DIOXIDE             | 2816130     | NSRQ 65770                       | June 1, 2009                                    | \$6,246                    | 277%              |
| 51. Edgemoor            | Greco                   | DE        | TX NS-CHGO-CN            | TITANIUM DIOXIDE             | 2816130     | NSRQ 65770                       | June 1, 2009                                    | \$5,689                    | 312%              |
| 52. Edgemoor            | Laredo                  | DL        | TX NS-ESTL-UP            | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$6,093                    | 738%              |
| 53. Edgemoor            | Madawaska               | DE        | ME NS-ROUPT-CN           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$3,530                    | 754%              |
| 54. Edgemoor            | Paradena                | DE        | TX NS-ESTL-UP            | TITANIUM TETRACHL            | 2819971     | NSRQ 65720                       | June 1, 2009                                    | \$10,747                   | 446%              |
| 55. Edgemoor            | Port Huron              | DE        | MI NS-BUFF-LN            | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$4,880                    | 401%              |
| 56. Edgemoor            | Portland                | DE        | ME NS-MCV-PAS-AYERM-ST   | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$3,149                    | 290%              |
| 57. Edgemoor            | Portland                | DE        | OR NS-CHGO-BNSF          | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$5,689                    | 287%              |
| 58. Edgemoor            | Quinneset               | DE        | ME NS-CHGO-CN            | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$5,689                    | 309%              |
| 59. Edgemoor            | Rileys                  | DE        | ME NS-MCV-PAS-AYERM-ST   | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$3,149                    | 289%              |
| 60. Edgemoor            | Rumford                 | DE        | ME NS-MCV-PAS-AYERM-ST   | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$3,149                    | 290%              |
| 61. Edgemoor            | Sartell                 | DE        | ME NS-CHGO-BNSF          | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$5,689                    | 303%              |
| 62. Edgemoor            | Shawmutt                | DE        | ME NS-MCV-PAS-AYERM-ST   | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$3,149                    | 290%              |
| 63. Edgemoor            | Snohoy                  | DE        | CA NS-CHGO-UP            | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$5,689                    | 309%              |
| 64. Edgemoor            | Snohoy                  | DE        | CA NS-STRTR-BNSF         | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$5,101                    | 256%              |
| 65. Edgemoor            | St Paul                 | DE        | MN NS-CHGO-UP            | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$5,689                    | 307%              |
| 66. Edgemoor            | Strang                  | DE        | TX NS-ESTL-UP            | TITANIUM TETRACHL            | 2819971     | NSRQ 65720                       | June 1, 2009                                    | \$10,747                   | 445%              |
| 67. Edgemoor            | West Monroe             | DE        | LA NS-MERID-KCS          | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$6,246                    | 281%              |
| 68. Edgemoor            | Wheeling                | DE        | IL NS-CHGO-CN            | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 1, 2009                                    | \$5,689                    | 303%              |
| 69. Enid                | Edgemoor                | OK        | DE BNSF-ESTL-NS          | COKE PETROLIUM CA            | 2991315     | NSRQ 65720                       | June 1, 2009                                    | \$5,364                    | 221%              |
| 70. REMOVED             |                         |           |                          |                              |             |                                  |                                                 |                            |                   |
| 71. Gregory             | Dragon                  | TX        | MS UP-NEWOR-NS           | DIFLUOROETHANE               | 2813984     | NSRQ 65720                       | June 1, 2009                                    | \$2,373                    | 496%              |
| 72. Gregory             | Manhattan               | TX        | IL UP-ESTL-NS            | DIFLUOROETHANE               | 2813984     | NSRQ 65720                       | June 1, 2009                                    | \$5,795                    | 653%              |
| 73. Gregory             | Royce                   | TX        | NJ UP-ESTL-NS            | DIFLUOROETHANE               | 2813984     | NSRQ 65720                       | June 1, 2009                                    | \$10,123                   | 385%              |
| 74. Houston             | Washington; Warren      | TX        | NJ UP-ESTL-NS            | POLYETHYLENE                 | 2821142     | NSRQ 65720                       | June 1, 2009                                    | \$9,013                    | 425%              |
| 75. Lemont              | Edgemoor                | IL        | DE BNSF-CHGO-NS          | COKE PETROLIUM CA            | 2991315     | NSRQ 65720                       | June 1, 2009                                    | \$4,608                    | 234%              |
| 76. Lemoyne             | Artesia                 | AL        | MS NS-MERID-KCS          | WASTE FLAMMABLE L            | 4810560     | NSRQ 65720                       | June 1, 2009                                    | \$3,550                    | 549%              |
| 77. McIntosh            | Burnside                | AL        | LA NS-MOBIL-CN           | ACID SULFURIC,SPE            | 2819330     | NSRQ 65720                       | June 1, 2009                                    | \$1,092                    | 366%              |
| 78. McIntosh            | Delisle                 | AL        | MS NS-MOBIL-CN-HATBG-KCS | CHLORINE                     | 2812815     | NSRQ 65720                       | June 1, 2009                                    | \$2,184                    | 732%              |
| 79. McIntosh            | Delisle                 | AL        | MS NS-MOBIL-CN-HATBG-KCS | SODIUM CAUSTIC               | 2812220     | NSRQ 65770                       | June 1, 2009                                    | \$1,993                    | 656%              |
| 80. McIntosh            | Orange                  | AL        | TX NS-NEWOR-UP           | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 1, 2009                                    | \$3,658                    | 331%              |
| 81. McIntosh            | Woodstock               | AL        | TN NS-MOBIL-CN           | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 1, 2009                                    | \$1,993                    | 657%              |
| 82. Orange              | Greenville              | TX        | SC NS-NEWOR-NS           | POLYETHYLENE                 | 2821142     | NSRQ 65720                       | June 1, 2009                                    | \$5,713                    | 397%              |
| 83. Orange              | Washington; Warren      | TX        | NJ UP-ESTL-NS            | POLYETHYLENE                 | 2821142     | NSRQ 65720                       | June 1, 2009                                    | \$9,013                    | 425%              |
| 84. Pascagoula          | Fort Mill               | MS        | SC MSE-MOBIL-NS          | OIL ANILINE                  | 2815112     | NSRQ 65720                       | June 1, 2009                                    | \$4,068                    | 234%              |
| 85. Pascagoula          | Lemoyne                 | MS        | AL MSE-MOBIL-NS          | OIL ANILINE                  | 2815112     | NSRQ 65720                       | June 1, 2009                                    | \$1,092                    | 427%              |
| 86. Strang              | Lemoyne                 | TX        | AL UP NEWOR-NS           | SODIUM METHYLATE             | 2812350     | NSRQ 65720                       | June 1, 2009                                    | \$4,003                    | 344%              |

**NS JOINT MOVES**

| Origin<br>City<br>(1) | ST<br>(2) | Destination      |           | Route<br>(5)            | Commodity Description<br>(6) | STCC<br>(7) | NS Tariff<br>Reference 1/<br>(8) | Effective Date<br>of DuPont<br>Complaint<br>(9) | NS Rate<br>per Car<br>(10) | R/C Ratio<br>(11) |
|-----------------------|-----------|------------------|-----------|-------------------------|------------------------------|-------------|----------------------------------|-------------------------------------------------|----------------------------|-------------------|
|                       |           | City<br>(3)      | ST<br>(4) |                         |                              |             |                                  |                                                 |                            |                   |
| 87. Beauharnois       | PQ        | Edgemoor         | DE        | CSXT-BUFF-NS            | CHLORINE                     | 7812815     | NSRQ 65720                       | June 15, 2010                                   | \$7,022                    | 473%              |
| 88 Belle              | WV        | Baton Rouge      | LA        | NS-NEWOR-CN             | DIMETHYL FORMAMID            | 2818221     | NSRQ 65720                       | June 15, 2010                                   | \$6,954                    | 757%              |
| 89 Belle              | GA        | Gainesville      | GA        | NS-CINTI-CSXT           | DIMETHYL ETHER               | 2813980     | NSRQ 65720                       | June 15, 2010                                   | \$7,281                    | 755%              |
| 90 Belle              | WV        | Port Bienville   | MS        | NS-ATLA-CSXT-ANSLE-PBVR | METHYLAMINE AN               | 2813934     | NSRQ 65720                       | June 15, 2010                                   | \$9,585                    | 571%              |
| 91 Belle              | WV        | Theodore         | AL        | NS-CINTI-CSXT           | METHYLAMINE AN               | 2813934     | NSRQ 65720                       | June 15, 2010                                   | \$7,281                    | 759%              |
| 92. Bellwood          | VA        | Dallas           | GA        | CSXT-PTRSB-NS           | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$5,051                    | 294%              |
| 93. Bellwood          | VA        | Fort Mill        | SC        | CSXT-CHUTE-NS           | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$992                      | 356%              |
| 94 Bellwood           | VA        | Rockwell         | NC        | CSXT-PTRSB-NS           | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$2,700                    | 286%              |
| 95. REMOVED           |           |                  |           |                         |                              |             |                                  |                                                 |                            |                   |
| 96 Danville           | VA        | Amphill          | VA        | NS-PTRSB-CSXT           | LIME COMMON OR HY            | 3274110     | NSRQ 70022                       | June 15, 2010                                   | \$1,585                    | 268%              |
| 97. Edgemoor          | DE        | New Johnsonville | TN        | NS-CINTI-CSXT           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$8,966                    | 503%              |
| 98. Enid              | OK        | Edgemoor         | DE        | BNSF-ESTL-NS            | COKE PETROLEUM CA            | 2991315     | NSRQ 65720                       | June 15, 2010                                   | \$6,986                    | 222%              |
| 99 Loudon             | TN        | Graingers        | NC        | NS-CHATT-CSXT           | PROPANEDIOL BIO              | 2818512     | NSRQ 65178                       | June 15, 2010                                   | \$1,490                    | 355%              |
| 100. Loudon           | TN        | Graingers        | NC        | NS-CHATT-CSXT           | PROPANEDIOL BIO              | 2818512     | NSRQ 65178                       | June 15, 2010                                   | \$1,684                    | 391%              |
| 101. Miami Fort       | OH        | Dallas           | GA        | CSXT-CINTI-NS           | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$3,532                    | 274%              |
| 102. Miami Fort       | OH        | Gracewood        | GA        | CSXT-CHATT-NS           | SULFUR TRIOXIDE              | 2819325     | NSRQ 65720                       | June 15, 2010                                   | \$5,400                    | 461%              |
| 103. Miami Fort       | OH        | McIntosh         | AL        | CSXT-BHAM-NS            | ACID FUMING SULFU            | 2819340     | NSRQ 65720                       | June 15, 2010                                   | \$5,638                    | 567%              |
| 104. Miami Fort       | OH        | McIntosh         | AL        | CSXT-BHAM-NS            | ACID FUMING SULFU            | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$2,000                    | 279%              |
| 105. Miami Fort       | OH        | Narrows          | VA        | CSXT-CINTI-NS           | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$5,162                    | 478%              |
| 106. Miami Fort       | OH        | Pepper           | WV        | CSXT-CINTI-NS           | ACID FUMING SULFU            | 2819345     | NSRQ 65720                       | June 15, 2010                                   | \$3,000                    | 269%              |
| 107. Natrium          | WV        | Belle            | WV        | CSXT-CINTI-NS           | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 15, 2010                                   | \$4,800                    | 478%              |
| 108. Natrium          | WV        | Danville         | VA        | CSXT-LYNCH-NS           | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 15, 2010                                   | \$2,520                    | 671%              |
| 109 New Johnsonville  | TN        | Chapman          | PA        | CSXT-CINTI-NS           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$7,151                    | 410%              |
| 110. New Johnsonville | TN        | Edgemoor         | DE        | CSXT-CINTI-NS           | TITANIUM DIOXIDE             | 2819971     | NSRQ 65720                       | June 15, 2010                                   | \$12,083                   | 630%              |
| 111. New Johnsonville | TN        | Morrow           | GA        | CSXT-CHATT-NS           | TITANIUM DIOXIDE             | 2816130     | NSRQ 65720                       | June 15, 2010                                   | \$4,500                    | 772%              |
| 112. Niagara Falls    | NY        | Belle            | WV        | CSXT-CLMBO-NS           | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 15, 2010                                   | \$3,000                    | 425%              |
| 113. Niagara Falls    | NY        | Edgemoor         | DE        | CSXT-BUFF-NS            | CHLORINE                     | 2812815     | NSRQ 65720                       | June 15, 2010                                   | \$7,022                    | 472%              |
| 114. Niagara Falls    | NY        | Edgemoor         | DE        | CSXT-BUFF-NS            | SODIUM CAUSTIC               | 2812220     | NSRQ 65720                       | June 15, 2010                                   | \$3,800                    | 242%              |
| 115. Pascagoula       | MS        | Fort Mill        | SC        | CSXT-ATLA-NS            | OIL ANILINE                  | 2815112     | NSRQ 65720                       | June 15, 2010                                   | \$5,000                    | 587%              |
| 116. Starke           | FL        | Huntsville       | AL        | CSXT-DOCTUR-NS          | SAND ZIRCON                  | 1441325     | NSRQ 70022                       | June 15, 2010                                   | \$1,025                    | 399%              |
| 117. Starke           | FL        | Huntsville       | AL        | CSXT-DOCTUR-NS          | SAND ZIRCON                  | 1441325     | NSRQ 70022                       | June 15, 2010                                   | \$1,128                    | 263%              |
| 118 Wurtland          | KY        | Fort Mill        | SC        | CSXT-CHUTE-NS           | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$992                      | 356%              |
| 119. Wurtland         | KY        | McIntosh         | AL        | CSXT-BHAM-NS            | ACID SULFURIC                | 2819315     | NSRQ 65720                       | June 15, 2010                                   | \$2,000                    | 261%              |

NS JOINT MOVES

| Origin<br>City (1)    | ST (2) | Destination  |        | Route (5)      | Commodity Description (6) | STCC (7) | NS Tariff Reference 1/ (8) | Effective Date of DuPont Complaint (9) | NS Rate per Car (10) | R/V/C Ratio (11) |
|-----------------------|--------|--------------|--------|----------------|---------------------------|----------|----------------------------|----------------------------------------|----------------------|------------------|
|                       |        | City (3)     | ST (4) |                |                           |          |                            |                                        |                      |                  |
| 120. Belle            | WV     | Dvne         | IL     | NS-PINE-CN     | DIMETHYL ETHER            | 2813980  | NSRQ 65720                 | July 1, 2009                           | \$7,502              | 544%             |
| 121. Belle            | WV     | Mapleton     | IL     | NS-LOGPT-TPW   | METHYLAMINE AN            | 2813934  | NSRQ 65720                 | July 21, 2009                          | \$5,843              | 532%             |
| 122. Burnside         | IA     | Grarewood    | GA     | CN-NEWOR-NS    | SULFUR TRIOXIDE           | 2819325  | NSRQ 65720                 | September 1, 2009                      | \$4,200              | 274%             |
| 123. Lemont           | IL     | Edgemoor     | DE     | BNSF-CHGO NS   | COKE PETROLEUM CA         | 2991315  | NSRQ 65720                 | October 28, 2009                       | \$5,641              | 227%             |
| 124. New Johnsonville | TN     | McDonough    | GA     | CSXT-CHATT-NS  | TITANIUM DIOXIDE          | 2816130  | NSRQ 65720                 | June 24, 2009                          | \$2,951              | 489%             |
| 125. Charleston       | TN     | Woodstock    | TN     | NS-MEMPH-CN    | POTASSIUM HYDROXIDE       | 2812410  | NSRQ 65720                 | January 1, 2011                        | \$9,765              | 887%             |
| 126. Reybold          | DE     | Albuquerque  | NM     | NS-STIRIR-BNSF | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,844             | 456%             |
| 127. Reybold          | DE     | Baltimore    | MD     | NS-BALBV-CSXT  | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$3,900              | 1021%            |
| 128. Reybold          | DE     | Blair        | NE     | NS-CHGO-UP     | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,008             | 454%             |
| 129. Reybold          | DE     | Brewton      | AL     | NS-BHAM-CSXT   | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,476             | 457%             |
| 130. Reybold          | DE     | Castle Hayne | NC     | NS-CHLTC-CSXT  | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$5,844              | 423%             |
| 131. Reybold          | DE     | Clifton      | AZ     | NS-KCTY-UP     | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$14,928             | 470%             |
| 132. Reybold          | DE     | Corson       | SD     | NS-CHGO-BNSF   | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,008             | 454%             |
| 133. <b>REMOVED</b>   |        |              |        |                |                           |          |                            |                                        |                      |                  |
| 134. Reybold          | DE     | Ferguson     | MS     | NS-MEMPHIS-CN  | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$12,882             | 480%             |
| 135. Reybold          | DE     | Hastings     | NE     | NS-CHGO-BNSF   | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,008             | 454%             |
| 136. Reybold          | DE     | Indianapolis | IN     | NS-CINTI-CSXT  | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$8,880              | 448%             |
| 137. Reybold          | DE     | Omaha        | NF     | NS-CHGO-UP     | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,008             | 454%             |
| 138. Reybold          | DE     | Orange       | TX     | NS-ESTL-BNSF   | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$12,192             | 463%             |
| 139. Reybold          | DE     | Phoenix      | AZ     | NS-STRTIR-BNSF | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,844             | 456%             |
| 140. Reybold          | DE     | Sioux City   | IA     | NS-CHGO-BNSF   | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$10,008             | 454%             |
| 141. Reybold          | DE     | Toledo       | OH     | NS-TOLED-CSXT  | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$7,200              | 436%             |
| 142. Reybold          | DE     | Washington   | WV     | NS-HAGTN-CSXT  | SULFURIC ACID             | 2819315  | NSRQ 65720                 | May 4, 2011                            | \$6,444              | 985%             |