



Department of Energy

Washington, DC 20585

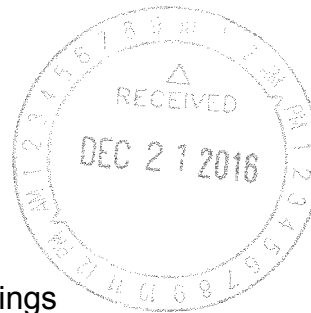
December 21, 2016

242305

242306

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

ENTERED
Office of Proceedings
December 21, 2016
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 September 30, 2016. We are pleased to report 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. A further report is due by the end of March 2017.

Sincerely,

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

cc: Attached Service List



CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2016, 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:

Aberdeen & Rockfish R.R. Co.
P.O. Box 917
Aberdeen, NC 28315

Montana Rail Link, Inc.
101 International Way
Missoula, MT 59808

Michael L Rosenthal
Covington & Burling
850 Tenth Street, NW
Washington, D.C. 20001-4956

Paul Hitchcock
Associate General Counsel
CSX Transportation, Inc.
500 Water Street-J1 50
Jacksonville, FL 32202

Chris Guzzi
Deborah Sedaris
Providence & Worcester Railroad Co.
75 Hammon Street
Worcester, MA 01610

Richard D. Robey, President
North Shore Railroad Company
356 Priestly Avenue
Northumberland, PA 17857

Buffalo & Pittsburgh Railroad
c/o Genesee & Wyoming, Inc.
66 Field Point Road
Greenwich, CT 06830

James R. Paschall
Greg E. Summy
Garrett Urban
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

Theodore K. Kalick
Canadian National Railway Company
601 Pennsylvania Avenue, N.W.
Suite 500 North Building
Washington, D.C. 20004

Robert G. Culliford, Esq.
Guilford Transportation System
Iron Horse Park
North Billerica, MA 01862

Gayla L. Thal
Louise A. Rinn
Danielle E. Bode
Union Pacific Railroad Company
1400 Douglas Road, Stop 1580
Omaha, NE 68179

Ronald E. Fittrow
500 Water Street
Jacksonville, FL 32202

George H. Kleinberger
P.O. Box 8002
Clifton Park, NY 12065

Paul Guthrie
7550 Ogden Dale Rd. SE
Calgary, Alberta T2C 4 X9 Canada

D.J. Lewis
Director of Marketing
Tuscola & Saginaw Bay Railway Company
308 West Main Street
Matthews Building, Suite 303
Owosso, MI 48867

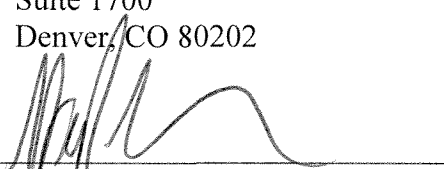
Robert H. Wheeler
General Counsel
Wisconsin Chicago Link Ltd.
17641 Ashland Avenue
Homewood, IL 60430

David H. Coburn
Christopher G. Falcone .
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Thomas J. Litwiler
Fletcher & Sipple LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606

Terence M. Hynes
Sidley Austin Brown & Wood, LLP
1501 K Street, N.W.
Washington, D.C. 20005

Ken Niles
WIEB High Level Radioactive Waste
Committee
Western Interstate Energy Board
1600 Broadway
Suite 1700
Denver, CO 80202



Stephen C. Skubel