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September 6, 2018

E-Filing

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
September 6, 2018
Part of
Public Record

Re: Docket No. NOR 42159, *Central Valley Ag Grinding, Inc. and Central Valley Ag Transport, Inc. v. Modesto and Empire Traction Company*

Dear Ms. Brown:

Central Valley Ag Grinding, Inc. and Central Valley Ag Transport, Inc. (individually and collectively, "CVAG"), respectfully seeks leave to supplement CVAG's *Reply to Petition to Reopen* ("Reply") filed on September 4, 2018. Good causes exists to allow CVAG to submit material information that was not available when CVAG filed its reply.

The Modesto and Empire Traction Company ("MET")'s *Petition to Reopen and Modify Decision and Motion for Clarification* ("Petition") filed on August 14, 2018, seeks, at p. 14, to fault CVAG for its accepting and handling of whole cotton seed ("WSC") trains. Among its requests, MET's Petition asks the Board to reverse its preliminary injunction decision served on June 12, 2018 to allow MET to outright block interchange and delivery service of WCS unit trains to CVAG, and CVAG alone. CVAG's Reply discusses, *inter alia*, the handling of a WCS unit train that MET delivered to Penny Newman on August 4, 2018, which was unloaded and released on August 20, 2018. CVAG Reply at 15-16. On September 4, 2018, MET accepted interchange and partial delivery of another WCS unit train for Penny Newman, apparently without protest, to the same transload tracks where the previous Penny Newman WCS train delivery was made. Pictures of the train, consisting of 76 railcars, is attached as Exhibit E.

CVAG respectfully requests that its Reply be supplemented to reflect MET's delivery of a second WCS unit train to Penny Newman, exactly one month after delivery of the first WCS unit train.

Respectfully submitted,

/s/ Peter A. Pfohl
Attorney for Central Valley Ag Grinding,
Inc. and Central Valley Ag Transport, Inc.

Enclosures
cc: Service List

CERTIFICATE OF SERVICE

I hereby certify that I have this 6thth day of September 2018, caused a copy of the foregoing filing to be served by U.S. Mail, postage prepaid or by more expedited means upon all parties of record.

/s/ Katherine F. Waring
An Attorney for Complainants

EXHIBIT E

Exhibit E



Exhibit E

