

UP/SP-424

BEFORE THE
SURFACE TRANSPORTATION BOARD

245192

Finance Docket No. 32760 (Sub-No. 46)

ENTERED
Office of Proceedings
February 21, 2018
Part of
Public Record

BNSF RAILWAY COMPANY
— TERMINAL TRACKAGE RIGHTS —
KANSAS CITY SOUTHERN RAILWAY COMPANY AND
UNION PACIFIC RAILROAD COMPANY

**UNION PACIFIC RAILROAD COMPANY'S REPLY TO
KANSAS CITY RAILWAY COMPANY'S MOTION TO DISMISS**

RHONDA S. FERGUSON
CRAIG V. RICHARDSON
ELISA B. DAVIES
JEREMY M. BERMAN
Union Pacific Railroad Company
1400 Douglas Street
Omaha, Nebraska 68179
(402) 544-7004

MICHAEL L. ROSENTHAL
BENJAMIN L. CAVATARO
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, D.C. 20001
(202) 662-6000

Attorneys for Union Pacific Railroad Company

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KCS's motion to dismiss raises compelling arguments about the sufficiency of BNSF's petition and the applicability of Decision No. 3 to BNSF's desire to institute direct service to LyondellBasell. Union Pacific believes the Board should address those case dispositive issues before requiring parties to reply to the substance of BNSF's petition. *See also* UP/SP-423 (asking the Board to defer any ruling on establishing a procedural schedule until after it addresses KCS's motion).

Respectfully submitted,

RHONDA S. FERGUSON
CRAIG V. RICHARDSON
ELISA B. DAVIES
JEREMY M. BERMAN
Union Pacific Railroad Company
1400 Douglas Street
Omaha, Nebraska 68179
(402) 544-7004

/s/ Michael L. Rosenthal
MICHAEL L. ROSENTHAL
BENJAMIN L. CAVATARO
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, D.C. 20001
(202) 662-6000

Attorneys for Union Pacific Railroad Company

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2018, I caused a copy of the foregoing document to be served by email on counsel for BNSF, KCS, and CITGO.

/s/ Michael L. Rosenthal