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NOR 42144

Pursuant to the Decision served in this case on March 3, 2017, the Complainants in this case hereby submit the following second report on the status of discovery in this case. The report follows the four categories of information listed in the Decision.

a. POET Ethanol Products and POET Nutrition – Counsel for the parties have agreed that the depositions of certain POET Ethanol Products and POET Nutrition, Inc. personnel will be held on April 27-28, 2017 in Sioux Falls, South Dakota. POET Nutrition fielded certain follow up discovery questions from UP counsel.

b. Cargill, Incorporated – Cargill has substantially completed its search for hardcopy documents and will be filing supplemental responses during the first week of April 2017. Cargill

is also currently working to complete the final phase of its responses to UP's discovery requests -
- the search and review of relevant emails accounts.

c. North America Freight Car Association – On March 22, 2017 NAFCA provided its Privilege Log to UP counsel.

2. Outstanding Discovery Matters

Complainants' principal outstanding concern with UP's discovery production continues to be the lack of a privilege log from UP for the reasons discussed in their First Bi-Weekly Status Report. Complainants' other principal concern continues to be the third party discovery sought by UP from the four tank car owners. On March 24, 2017, by agreement between counsel for the parties and counsel for the four tank car owners, Complainants' counsel received a USB drive containing tank car data from Railinc. Complainants' experts have started the process of segregating the data by each of the four car owners for eventual production to them. Nevertheless, the third party discovery continues at an extremely slow pace without a clear timeline for completion.

3. Participants' Plans to Address Outstanding Discovery

a. Cargill anticipates it will complete its search, review and production of hard-copy and/or archived documents and serve supplemental responses to UP's First and Second Sets of Discovery by April 7, 2017. Cargill is currently working to complete the search, review and production of email data, and expects to complete production of email data by April 28, 2017. Cargill anticipates that it will produce its privilege log approximately one week following the completion of the production of email and hard-copy/archived documents. Cargill will also be prepared to schedule the deposition requested by UP during April 2017, following the completion of its supplemental responses and production of documents responsive to UP written

discovery. Cargill, Incorporated expects to complete its responses and production of data and documents to all outstanding written discovery requests from UP by April 28, 2017.

4. Estimated Time Required to Address Outstanding Discovery Concerns

- a. Cargill, Incorporated – Please see Cargill’s status update in Part 3(a) above.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2017, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or a more expeditious manner of delivery, on all of the parties of record in NOR 42144

I also caused a copy of the foregoing document to be served by hand on Administrative Law Judge John P. Dring, Federal Energy Regulatory Commission Office of Administrative Law Judges, 888 First Street, N.E., Washington DC 20426.



Thomas W. Wilcox