



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

Office of Proceedings

March 20, 2019

February 6, 2019

Part of

Public Record

Present: Members Begeman, Fuchs, and Oberman
Member Staff Amanda Gorski, Ellen Erichsen, Lisa Novins
Agency Staff Craig Keats, Rachel Campbell, Allison Davis, Anika Cooper,
Scott Zimmerman, Kim Hillenbrand, Julie Waddell, Jen Smith-Bozek, Rob
Plum, Ryan Lee

Topic: Docket No. 36131, Utah Central Railway Company, LLC v. Kenco Logistics
Services, et al. – Petition for Declaratory Order

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

This proceeding involves a petition for declaratory order involving a matter referred from a district court concerning allegedly unpaid demurrage charges assessed by Utah Central Railway Company against Kenco Logistics Services, LLC and Specialized Rail Services, Inc., which operate warehouse/distribution facilities. The parties dispute the reasonableness of the demurrage charges assessed under the applicable demurrage tariffs, and practices related to the assessment of the charges.

Staff and Board Members discussed the following issues:

1. The prior ruling concerning Utah Central's failure to respond to discovery requests.
2. The Board's current rules on demurrage practices.
3. The circumstances surrounding the demurrage charges assessed here.
4. The record developed by the parties.
5. Board practice on declaratory orders and on court referrals in particular.
6. Whether the parties adequately supported their claims about the demurrage charges and practices at issue in this proceeding.