



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

Office of the General Counsel

202-245-0260
244971 FAX 202-245-0460

ENTERED
Office of Proceedings
January 12, 2018
Part of
Public Record

Meeting under Section 5, STB Reauthorization Act

May 17, 2017

Present: Acting Chairman Begeman
Vice Chairman Elliott
Board Member Miller
Member Staffs James Boles, Allison Davis, Chris Diamond,
and Brian O'Boyle. Agency Staff Craig Keats, Rachel Campbell, Valerie
Quinn, Anika Cooper, Kim Hillenbrand, Sarah Fancher, Andrew Read,
Elizabeth McGrath, Candace White, Douglas Pelsey, Jennifer Smith-Bozek

Topic: NOR 42142, Consumers Energy v. CSXT

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

At this meeting staff briefed Board Members on certain issues in the pending "Consumers v. CSXT" rate case. In that proceeding, Consumers argues that CSXT's rates for shipping Consumers' coal are unreasonably high. Staff briefed the Members on the following matters:

- Whether Consumers' traffic group complied with a prior STB order regarding merchandise traffic.
 - o Degree to which Board instructions were reflected in Consumers' supplemental presentation;
 - o The remaining number of trains in dispute;
 - o CSXT no longer litigating remaining disputed trains in Consumers' supplemental presentation.
- Whether Consumers' revised traffic group includes 114 petroleum coke trains (petcoke or K300-series trains) that do not move on the line being replicated by the stand-alone railroad.
 - o Consumers argues that the coke trains do move on the line;
 - o CSXT argues that they do not;
 - o Review of maps in the record.

- Whether certain “base-year” trains moving between Calumet Park and Curtis should be excluded at Calumet Park because they do not meet CSXT’s service standard.
 - o CSXT argues that the trains do not meet service criteria due to slower transit times.
 - o Consumers argues that CSXT’s transit time analysis is faulty and does not establish a service standard.
 - o Service standard precedent and policy.