

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

243984

NORTH AMERICA FREIGHT CAR	)	
ASSOCIATION; AMERICAN FUEL &	)	
PETROCHEMICALS MANUFACTURERS;	)	
THE CHLORINE INSTITUTE; THE	)	
FERTILIZER INSTITUTE; AMERICAN	)	
CHEMISTRY COUNCIL; ETHANOL	)	
PRODUCTS, LLC D/B/A POET ETHANOL	)	
PRODUCTS; POET NUTRITION, INC.; and	)	
CARGILL INCORPORATED,	)	
	)	
Complainants,	)	
	)	
v.	)	
	)	
UNION PACIFIC RAILROAD COMPANY,	)	
	)	
Defendant.	)	
	)	
	)	

ENTERED
Office of Proceedings
July 20, 2017
Part of
Public Record

NOR 42144, *et al*
(consolidated)

COMPLAINANTS' TENTH BI-WEEKLY STATUS REPORT

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

1. Progress Accomplished Since Tenth Status Report

a. POET Ethanol and POET Nutrition have completed their responses to all outstanding discovery requests.

b. Cargill, Incorporated – Cargill has provided responses to all but one of UP's follow-up questions relating to Cargill's prior productions of data and documents. Cargill anticipates it will respond to the remaining follow up question from UP on or before July 28, 2017. On July 18, 2017, UP served a revised notice of deposition on Cargill.

2. Outstanding Discovery Matters

Complainants' understand that three of the four tank car owners subject to the subpoenas served by UP have produced documents to UP pursuant to the decisions in this case.

3. Participants' Plans to Address Outstanding Discovery

a. Cargill has completed its responses to all outstanding UP discovery requests and has responded to all but one of UP's follow up questions. Cargill anticipates that it will respond to UP's remaining follow-up question – which requires consultation with an outside vendor – on or before July 28, 2017. Cargill and UP are conferring to schedule a mutually convenient date for the deposition of Cargill.

4. Estimated Time Required to Address Outstanding Discovery Concerns

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



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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 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, *et al* (consolidated).

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