



Surface Transportation Board
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Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

April 24, 2018

Present: Chairman Begeman
Vice Chairman Miller
Member Staffs Allison Davis, Brian O'Boyle, Valerie Quinn
Agency Staff Craig Keats, Rachel Campbell, Bill Brennan, Scott Zimmerman,
Anika Cooper, Kim Hillenbrand, Sarah Fancher, Andrew Read, Candace
White, Walter Asmuth, Jennifer Smith-Bozek

Topic: NOR 42142, Consumers Energy v. CSXT

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

In a decision issued in January 2018 in the above-referenced proceeding, the Board found CSXT's rate for shipping Consumers' coal to be unreasonable under the stand-alone cost (SAC) test, and it ordered reparations and a rate prescription. At this meeting, staff briefed the Members on the following matters raised in petitions regarding reconsideration/technical corrections:

Consumers' Arguments on Federal Tax Rates (See Consumers Petition for Technical Corrections 5-6, 7-8):

- Corporate tax rate reduced from 35% to 21% by law
- Technical error not to reflect tax rate change in decision
- Alternatively, tax rate change is a changed circumstance or new evidence, to be incorporated into Consumers' petition for reconsideration

CSXT's Arguments on Crude Oil Volumes (See CSXT Petition for Reconsideration 1-2):

- Board erred by including crude oil trains in the traffic group