

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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NORTH AMERICA FREIGHT CAR)
ASSOCIATION; AMERICAN FUEL &)
PETROCHEMICAL 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)
)
)
vs.)
)
UNION PACIFIC RAILROAD)
COMPANY)

ENTERED
Office of Proceedings
October 12, 2017
Part of
Public Record

NOR 42144, 42150, 42152, 42153

JOINT WEEKLY STATUS REPORT – OCTOBER 12, 2017

Complainants Valero Marketing and Supply Company and Valero Rail Partners, LLC, Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC (collectively, “Complainants”), and Defendant Union Pacific Railroad Company (“Union Pacific”) submit this status report on discovery progress as requested by Administrative Law Judge Dring at a status conference on April 19, 2017.

1. Valero Marketing and Supply Company and Valero Rail Partners, LLC proposed to Union Pacific a compromise position on pending discovery issues. The parties conferred on this proposal via telephone on Monday, July 10, 2017. The Valero entities have reviewed revised stipulations from Union Pacific and, on September 5, 2017, the Valero entities relayed proposed edits to those stipulations. The parties have exchanged emails regarding the proposed edits and intend to continue conferring about the stipulations.

2. Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC proposed to Union Pacific a compromise position on pending discovery issues. Union Pacific provided proposed stipulations in response to these proposals on August 22, 2017. The Tesoro entities are reviewing these stipulations.

3. On August 16, 2017, the Tesoro entities served their second set of discovery requests to Union Pacific. Union Pacific served its responses to these discovery requests on August 31, 2017. The parties met and conferred on these responses on September 12, 2017. In that conference, the Tesoro entities provided proposals and information intended to refine the scope of the requests and assist with Union Pacific's searches for responsive documents. On October 4, 2017, Union Pacific relayed its own proposal on these discovery requests, and the Tesoro entities are considering this proposal.

4. The Tesoro and Valero entities are continuing to review documents to make additional productions to Union Pacific. On Friday, October 6, 2017, the Valero entities produced an additional 2,655 files to Union Pacific; the Valero entities expect these files to conclude their document production, excluding the privilege log. The Tesoro entities plan to make their next production this week and expect that production to include about 11,000 files.

Dated October 12, 2017

Respectfully submitted,

/s/ Michael L. Rosenthal (w/ permission
JHS)

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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2017, I have caused a copy of the foregoing to be served by hand, email, or first-class mail on counsel for the parties of record for NOR 42144, NOR 42150, NOR 42152, and NOR 42153. I further certify that I have caused a copy of the foregoing to be served by email on the Honorable John P. Dring of the Federal Energy Regulatory Commission.

/s/ Houston Shaner _____
Houston Shaner