

**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)

NOR 42144, 42150, 42152

ENTERED
Office of Proceedings
August 10, 2017
Part of
Public Record

JOINT WEEKLY STATUS REPORT – AUGUST 10, 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 are reviewing revised stipulations from Union Pacific.

2. Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC provided a proposal to Union Pacific on Monday, July 31, 2017. The parties conferred by telephone on that proposal on Monday, August

7, 2017. On the same day, the Tesoro entities provided Union Pacific with additional information on that proposal.

3. Union Pacific has relayed questions on past productions by the Valero and Tesoro entities. The Tesoro entities responded to these questions on August 7, 2017. The Valero entities are reviewing these questions and plan to provide responses this week.

4. The Tesoro and Valero entities are continuing to review documents to make additional productions to Union Pacific. Given the large volume of documents being reviewed, the Tesoro and Valero entities do not anticipate making additional productions this week.

Respectfully submitted,

/s/ Michael L. Rosenthal (with permission
– JHS)

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Dated August 10, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 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, and NOR 42152. I further certify that I have caused a copy of the foregoing to be served by hand delivery on the Honorable John P. Dring, Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 First Street, N.E., Washington, DC 20426.

/s/ Houston Shaner
Houston Shaner