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SERVICE DATE – AUGUST 28, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 742

PUBLIC LISTENING SESSION
REGARDING CSX TRANSPORTATION, INC.'S RAIL SERVICE ISSUES

Decided: August 28, 2017

By decision served August 24, 2017, the Board announced that it would hold a listening session on Tuesday, September 12, 2017, to hear from CSX Transportation, Inc. (CSXT), on its efforts to implement its new operating plan and to address service problems on its network, to provide shippers the opportunity to report on recent CSXT rail service issues they have experienced, and to discuss whether additional service recovery efforts may be necessary.

In that decision, the Board noted that it has received, by letter addressed to the Board Members, a request from a CSXT shipper for an emergency service order. That letter, submitted by Murray Energy Corporation and dated August 17, 2017, has been posted to the Board's website today as a filing in this docket.

Murray Energy's letter as submitted to the Board Members includes a number of attachments, which have not yet been publicly posted because they may contain confidential, competitively sensitive information. Murray Energy will be directed to file, in this docket and no later than August 30, 2017, (1) a public version of the attachments to its August 17 letter, redacting any information or data that Murray Energy designates as confidential, competitively sensitive information that should be withheld from public disclosure, and (2) a motion for protective order permitting access to the unredacted attachments by parties to the proceeding, or their outside counsel and consultants, as appropriate.¹ See, e.g., Grupo Mex., S.A.B. de C.V.—Control Exemption—Fla. E. Coast Holdings Corp., FD 36109 (STB served May 9, 2017). Should Murray Energy determine that a protective order is not necessary because it does not deem any information in the attachments to be confidential or competitively sensitive, Murray Energy should so indicate in a letter filing by August 30.

It is ordered:

1. Murray Energy is directed to file, by August 30, 2017, a public version of the attachments to its August 17 letter, redacting any information or data that Murray Energy designates as confidential, commercially sensitive information that should be withheld from

¹ The motion should include, as an appendix, a draft of the proposed protective order.

public disclosure, along with a motion for protective order. Should Murray Energy determine that a protective order is not necessary, Murray Energy should so indicate in a letter filing by August 30.

2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.