

ENTERED
Office of Proceedings
May 4, 2012
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

SUNBELT CHLOR ALKALI PARTNERSHIP)

Complainant)

v.)

NORFOLK SOUTHERN RAILWAY COMPANY)

and)

UNION PACIFIC RAILROAD COMPANY)

Respondents.)

Docket No. NOR 42130

**MOTION TO DISMISS COMPLAINT AGAINST
UNION PACIFIC RAILROAD COMPANY**

Complainant, SunBelt Chlor Alkali Partnership ("SunBelt"), and defendant, Union Pacific Railroad Company ("UP"), have reached a voluntary settlement of their dispute in this proceeding. As part of that settlement, SunBelt and UP have entered into a contract for UP's portion of transportation covered by the challenged rates. Accordingly, SunBelt hereby requests that the Board dismiss the Complaint against UP with prejudice. SunBelt also requests leave to withdraw, as moot, its "Motion for Clarification that Complainant is Entitled to Prescription of a Reasonable Joint Rate," filed on December 6, 2011. Contemporaneous with this Motion, SunBelt is filing a "First Amended Complaint" that restates its claims against the remaining defendant, Norfolk Southern Railway Company.

 GRANTED Office of Proceedings	DECISION ID NO.: <u>42410</u>
	DECIDED DATE: <u>5/24/12</u>
	SERVICE DATE: <u>5/25/12</u>
	APPROVED: <u>Rachel O. Campbell</u> Director
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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing "Motion to Dismiss Complaint Against Union Pacific Railroad" to be served by e-mail and first class mail, this 4th day of May 2012, on:

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