

EXPEDITED CONSIDERATION REQUESTED

246992

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
January 28, 2019
Part of
Public Record

**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.;
CARGILL INCORPORATED; and ARKEMA INC.**

**NOR 42144, et al.
(consolidated)**

Complainants,

vs.

**UNION PACIFIC RAILROAD
COMPANY**

Defendant.



GRANTED

Office of
Proceedings

DECISION ID NO.: 46791
DECIDED DATE: 2/1/2019
SERVICE DATE: 2/1/2019
APPROVED: *David M. [Signature]*
Acting Director



Joint Status Report and Motion for Modification of Procedural Schedule

The Complainants in Docket No. NOR 42144,¹ and in Docket Nos. NOR 42150, 42152 and 42153,² (collectively "the Complainants"), jointly with defendant, Union Pacific Railroad Company, hereby submit (1) a Joint Status Report as required by the Board's decision served in

¹ Complainants in Docket NOR 42144 are The North America Freight Car Association; the American Fuel & Petrochemical Manufacturers; The Chlorine Institute, Inc.; The Fertilizer Institute; the American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated.

² Complainants in Docket NOR 42150 are Valero Marketing and Supply Co. and Valero Rail Partners, LLC; Complainants in Docket NOR 42152 are Tesoro Refining & Marketing Co. LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC; and Complainant in Docket 42153 is Arkema, Inc.

these consolidated proceedings on March 31, 2017, and (2) a request for a slight modification of the procedural schedule previously established by the Board.

Specifically, pursuant to the Board's March 31, 2017 decision, the parties jointly advise the Board that discovery in these cases is complete as of January 22, 2019. The parties also advise the Board that the procedural schedule established by the Board in that decision shall run from the date of this Joint Status Report, and they request approval of the following slight modifications to that schedule to accommodate upcoming Presidents Day, Easter and Memorial Day federal holidays:

Complainants' Opening Evidence and Argument shall be due on February 22, 2019

Defendant's Reply Evidence and Argument shall be due on April 26, 2019

Complainants' Rebuttal Evidence and Argument shall be due on May 31, 2019.

Whereas the original schedule called for opening, reply and rebuttal evidence and argument to be filed 30, 90, and 120 days after the close of discovery, respectively, the jointly proposed modified schedule would enlarge the filing deadlines to 31, 94, and 129 days after the close of discovery.



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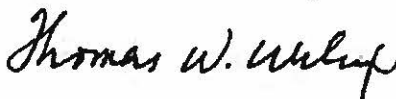
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Respectfully submitted,



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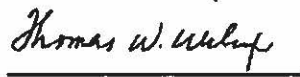
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January 23, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2019, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or a more expeditious manner of delivery, on all of the parties of record in NOR 42144, *et al* (consolidated).



Thomas W. Wilcox