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August 23, 2019
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August 23, 2019

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Allison C. Davis
Director
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *Hasa, Inc. v. Union Pacific Railroad Company*, Docket No. NOR
42165

Dear Ms. Davis:

On August 21, the Board concluded in the above-referenced matter that it was necessary “to temporarily maintain the status quo” and directed Union Pacific “to maintain five-day per week service to Hasa until the Board has ruled on Hasa’s application and petition.” UP understands why the Board took this extraordinary step, given the one-sided record before it. UP will respond in full to Hasa’s filing on the schedule set forth by the Board. That response will show that Hasa has seriously misstated the facts and the law. UP is confident that, once the Board has all the true facts and relevant law before it, it will deny the extraordinary relief Hasa sought – and temporarily obtained – from the Board.

In an abundance of caution, UP is writing to notify the Board of one planned change to the status quo which should meet with no controversy. Last week Hasa requested that UP change the Saugus location from “spot-on-arrival” service to “order-in” service. Before the Board issued its August 21 temporary order, UP granted Hasa’s request. This mutually agreeable change will allow Hasa to specify which chemical cars it wishes to be delivered to Saugus first. Order-in service will enable Hasa more carefully and accurately to manage its product supply.

UP is confident the STB did not intend to limit the ability of UP to respond to Hasa’s service requests in this fashion. If, however, this change

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does in fact violate the Board's intent to "maintain the status quo," UP asks that agency staff quickly contact undersigned counsel so UP can promptly reverse this Hasa-requested service change. In the absence of contrary guidance from the Board, UP will implement the change to "order-in" service for Hasa's Saugus facility today.

Sincerely,

/s/ Raymond Atkins

Raymond A. Atkins
Counsel for Union Pacific

cc: Peter Pfohl (counsel for Hasa, Inc.), by email