

May 3, 2010

226947



Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

RE: Docket No. NOR- 42121, *Total Petrochemicals USA, Inc. v. CSX Transportation, Inc.*

Dear Ms. Brown:

Enclosed for filing please find the original and ten (10) copies of the of the Complaint of Total Petrochemicals USA, Inc. A check for \$ 350.00 is also attached to cover the filing fee required by 49 C.F.R. § 1002.2. An additional copy of the Complaint is included for date-stamping and return to the undersigned via messenger.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey O. Moreno'.

Jeffrey O. Moreno
Jennifer M. Gartlan
Counsel for
Total Petrochemicals USA, Inc.

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**SURFACE
TRANSPORTATION BOARD**

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**SURFACE
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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TOTAL PETROCHEMICALS USA, INC.

Complainant,

v.

CSX TRANSPORTATION, INC.

Defendant.

Docket No. NOR-42121

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TRANSPORTATION BOARD**

COMPLAINT

COMES NOW Complainant, TOTAL PETROCHEMICALS USA, INC. ("TPI"), 1201 Louisiana Street, Suite 1800, Houston, TX 77002, and files this Complaint against Defendant, CSX Transportation, Inc. ("CSXT"), 500 Water Street, Jacksonville, Florida 32202. TPI brings this Complaint pursuant to 49 U.S.C. §§ 10701, 10704, 10707, 11701 and 11704, and 49 C.F.R. Part 1111. TPI requests that the Surface Transportation Board ("STB" or "Board") prescribe reasonable rates and service terms for CSXT's transportation of the movements set forth in Exhibits A and B of this Complaint. TPI asks the Board to award damages, plus interest, to the extent that TPI has paid or will pay common carrier rates in excess of a reasonable maximum rate for such transportation, beginning on July 1, 2010. TPI asks this Board to determine the reasonableness of CSXT's rates using the constrained market pricing principles and procedures adopted in *Coal Rate Guidelines—Nationwide*, Ex Parte No. 347 (Sub-No. 1), 1 I.C.C. 2d 520 (1985), as further refined and applied in subsequent decisions issued by the Interstate Commerce Commission and the Board.

In support of this Complaint, TPI states as follows:

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The Parties

1. TPI is a corporation organized under the laws of the State of Delaware, with its principal place of business in Houston, Texas. TPI, which is part of the chemical branch of Total S.A., is a producer of polypropylene, polyethylene, styrenics (including polystyrene), base chemicals, and transportation fuels at facilities in Texas and Louisiana. TPI is a major user of rail service to transport its products to customers throughout the continental United States, Canada and Mexico.

2. CSXT is a Class I common and contract carrier by railroad that engages in the transportation of property in interstate and intrastate commerce. Its headquarters are in Jacksonville, Florida. CSXT is subject to the Interstate Commerce Commission Termination Act of 1995 (49 U.S.C. §§ 10101 *et seq.*) and to the jurisdiction of the Board.

Description of the Issue Movements

3. In this Complaint, TPI challenges the reasonableness of CSXT's rates for the movement of polypropylene, polystyrene, polyethylene, styrene and base chemicals, between 104 origin and destination pairs set forth in Exhibits A and B.

4. CSXT transports the commodities between the points identified in Exhibit A in single line service.

5. CSXT transports the commodities between the points identified in Exhibit B in joint line service. CSXT has published AAR Accounting Rule 11 rates for these movements.

The Challenged Rates

6. In 2007, CSXT and TPI entered into a contract that, over the two year term of the agreement, increased rates by 38% (volume weighted). As a consequence of CSXT's rate increases, TPI's ability to compete in markets the CSXT serves was impaired.

7. In 2009, TPI and CSXT entered into negotiations for a new contract. CSXT demanded rate increases of another 8.3% (volume weighted). In some lanes, the contract rates offered by CSXT represented increases of more than 100% compared to the expiring contract rates and R/VC ratios over 800%. In total, CSXT's 2009 contract offer represented a 49% (volume weighted) increase in its rates to TPI, excluding fuel surcharges, since 2007. CSXT insisted that these were "market" rates for rail transportation of TPI's commodities and rejected TPI's counter-proposals.

8. Due to a lack of options and the impending contract expiration, TPI reluctantly agreed to a new contract at the rates offered by CSXT for a term of nine months that will expire on June 30, 2010. During that time, TPI has concluded that CSXT's rates are far above reasonable levels.

9. On March 24, 2010, TPI initiated contract renewal negotiations with CSXT by proposing new contract rates that would become effective upon expiration of the current contract on June 30, 2010. Having concluded that CSXT's current contract rates were unreasonable, TPI proposed rate reductions. CSXT informed TPI that it could not agree to those rates and repeated its assertion during the 2009 contract negotiations that CSXT's current rates are competitive with the "market." TPI agreed to CSXT's request for additional time to present a counter-proposal, despite substantial doubts that CSXT's counter-proposal would be acceptable. On April 30, 2010, CSXT submitted a counter-proposal to TPI that would impose further rate increases upon CSXT's already unreasonably high current contract rates.

10. Because TPI and CSXT are unable to agree upon new contract rates, TPI must pay CSXT's public tariff rates, which are the rates identified in Exhibits A and B, beginning on July 1, 2010. These rates produce R/VC ratios over 1100% on three lanes; over 500% on twenty

lanes; and over 400% on seventy-four lanes. All but two lanes in Exhibits A and B produce R/VC ratios greater than 300%. TPI challenges these rates as unreasonable.

Jurisdictional Allegations

11. CSXT possesses market dominance over the movements in Exhibits A and B. Therefore, pursuant to 49 U.S.C. § 10707, the Board has jurisdiction over the rates and services provided by CSXT and challenged by TPI as unreasonable.

12. The rates charged by CSXT and challenged by TPI for each of the movements in Exhibits A and B exceed 180 percent of CSXT's variable cost for the service requested by TPI, as determined in accordance with 49 U.S.C. § 10707(d)(1).

13. There is a lack of effective competition from other rail carriers for each of the movements in Exhibits A and B because CSXT is the only rail carrier that provides service at either the origin or the destination. There is a lack of effective competition from non-rail modes for each of the movements in Exhibits A and B.

Requested Relief

14. CSXT's common carrier rates for handling the movements in Exhibits A and B are unreasonable and violate 49 U.S.C. §§ 10701(d)(1) and 10702, which require CSXT to establish reasonable rates. The Board should order CSXT to cease these violations and it should prescribe maximum reasonable rates pursuant to 49 U.S.C. § 10704(a)(1).

15. The Board should award reparations to TPI, as provided under 49 U.S.C. § 11704(b). The reparations should compensate TPI for any and all amounts paid in excess of the reasonable rates prescribed by the Board pursuant to this proceeding, plus interest.

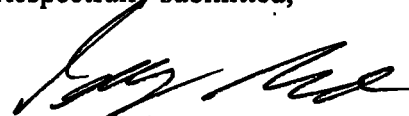
16. The Board should prescribe a maximum reasonable rate and award reparations for a combined period of ten years, beginning July 1, 2010.

17. This Complaint includes any and all adjustments to the challenged rates, including adjustments to the applicable fuel surcharges, and any new rates established by CSXT for the services described herein.

WHEREFORE, TOTAL PETROCHEMICALS USA, INC. prays that the Board:

- (1) require Defendant, CSX Transportation, Inc., to answer the charges alleged herein;
- (2) assign this Complaint for hearing under 49 C.F.R. Part 1111 and the stand-alone cost approach adopted in *Coal Rate Guidelines—Nationwide*, Ex Parte No. 347 (Sub-No. 1), 1 I.C.C. 2d 520 (1985);
- (3) after due hearing and investigation, find that the CSXT's common carrier rates applicable to the transportation of the commodities and movements in Exhibits A and B of this Complaint are unreasonable;
- (4) prescribe just and reasonable rates and related rules and service terms for the future applicable to the rail transportation of the TPI traffic in Exhibits A and B, pursuant to 49 U.S.C. §§ 10704(a)(1) and 11701(a);
- (5) award TPI reparations, plus applicable interest, in accordance with 49 U.S.C. § 11704 for unlawful rates set by CSXT for the period beginning July 1, 2010 to the effective date of a decision by the Board prescribing just and reasonable rates; and
- (6) grant such other and further relief to TPI as the Board may deem just and proper under the circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey O. Moreno", is written over a horizontal line.

Jeffrey O. Moreno
Jennifer M. Gartlan
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036
(202) 331-8800

May 3, 2010

CSX LOCAL MOVES

Origin		Destination		Route (5)	Commodity Description (6)	STCC (7)	CSXT Rate		FSC @ \$0.20		CSXT Rate		RVC Ratio (11)
City (1)	ST (2)	City (3)	ST (4)				1Q10 (8)	Incl. FSC (10)	1Q10 (9)	Incl. FSC (10)	1Q10 (9)	Incl. FSC (10)	
1. SOCIAL CIRCLE	GA	COVINGTON	GA	CSXT	Polypropylene	2821139	\$3,300		\$2		\$3,302		623%
2. CRAWFORDSVILLE	IN	ATHERTON	IN	CSXT	Polypropylene	2821139	\$2,714		\$14		\$2,728		414%
3. SOCIAL CIRCLE	GA	ATHENS	GA	CSXT	Polypropylene	2821139	\$3,300		\$22		\$3,322		450%
4. SOCIAL CIRCLE	GA	CONYERS	GA	CSXT	Polypropylene	2821139	\$3,300		\$4		\$3,304		588%
5. CHICAGO	IL	EVANSVILLE	IN	CSXT	Polypropylene	2821139	\$4,863		\$58		\$4,921		443%

CSX JOINT MOVES

Origin	Destination		Route	Commodity Description	CSXT Rate		FSC @ \$0.20		CSXT Rate	
	City	ST			1Q10	STCC	1Q10	Incl. FSC	RVC Ratio	
(1)	(3)	(2)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
1 MEMPHIS	TN	SOCIAL CIRCLE	GA	BNSF MEMPH CSXT SOCIR GRWR	Polypropylene	2821139	\$5,574	\$114	\$5,688	383%
2 MEMPHIS	TN	EVANSVILLE	IN	BNSF MEMPH CSXT	Polypropylene	2821139	\$4,786	\$79	\$4,865	437%
3 NEW ORLEANS	LA	COVINGTON	GA	CN NEWOR CSXT	Polystyrene	2821140	\$5,841	\$107	\$5,948	426%
4 CHICAGO	IL	CLINTON	IN	BNSF CHGO CSXT	Polypropylene	2821139	\$3,682	\$34	\$3,716	568%
5 NEW ORLEANS	LA	AMPTHILL	VA	BNSF NEWOR CSXT	Polyethylene HD	2821142	\$8,884	\$217	\$9,101	362%
6 MEMPHIS	TN	BOWLING GREEN	KY	BNSF MEMPH CSXT	Polypropylene	2821139	\$4,959	\$62	\$5,021	534%
7 NEW ORLEANS	LA	CONYERS	GA	CN NEWOR CSXT	Polystyrene	2821140	\$5,841	\$105	\$5,946	433%
8 NEW ORLEANS	LA	WASHINGTON	GA	BNSF NEWOR CSXT BRNET GWRC	Polypropylene	2821139	\$7,807	\$125	\$7,932	491%
9 NEW ORLEANS	LA	ATHENS	GA	BNSF NEWOR CSXT	Polypropylene	2821139	\$5,841	\$113	\$5,954	409%
10 MEMPHIS	TN	OLD HICKORY	TN	BNSF MEMPH CSXT VINHI NERR	Polypropylene	2821139	\$5,155	\$51	\$5,206	600%
11 NEW ORLEANS	LA	HOPE HULL	AL	CN NEWOR CSXT	Polystyrene	2821140	\$4,238	\$62	\$4,300	456%
12 NEW ORLEANS	LA	SARASOTA	FL	BNSF NEWOR CSXT ONECO SGLR	Polypropylene	2821139	\$8,306	\$166	\$8,472	418%
13 MEMPHIS	TN	GLASGOW	KY	CN MEMPH CSXT	Polystyrene	2821140	\$4,959	\$68	\$5,027	499%
14 NEW ORLEANS	LA	WINCHESTER	VA	CN NEWOR CSXT	Polystyrene	2821140	\$9,033	\$259	\$9,292	317%
15 CHICAGO	IL	ORANGEBURG	NY	BNSF CHGO CSXT	Polyethylene HD	2821142	\$7,346	\$186	\$7,532	343%
16 NEW ORLEANS	LA	GALLOWAY	FL	CN NEWOR CSXT	Aromatics (Styrene)	2818342	\$6,819	\$152	\$6,971	363%
17 CHICAGO	IL	ANDERSON	IN	BNSF CHGO CSXT	Polypropylene	2821139	\$3,837	\$47	\$3,884	490%
18 CHICAGO	IL	CINCINNATI	OH	BNSF CHGO CSXT	Polyethylene HD	2821142	\$4,489	\$75	\$4,564	427%
19 MEMPHIS	TN	EVANSVILLE	IN	CN MEMPH CSXT	Polystyrene	2821140	\$4,786	\$79	\$4,865	437%
20 CHICAGO	IL	CUMBERLAND	MD	BNSF CHGO CSXT	Polypropylene	2821139	\$6,362	\$123	\$6,485	415%
21 NEW ORLEANS	LA	HAMLET	NC	BNSF NEWOR CSXT	Polypropylene	2821139	\$6,558	\$163	\$6,721	342%
22 CHICAGO	IL	MENTOR	OH	BNSF CHGO CSXT	Polypropylene	2821139	\$4,843	\$72	\$4,915	473%
23 NEW ORLEANS	LA	NORTH COVE	NC	BNSF NEWOR CSXT	Polyethylene HD	2821142	\$7,294	\$156	\$7,450	394%
24 EFFINGHAM	IL	LAKEVILLE	NY	CN EFFHAM CSXT GENJT LAL	Polystyrene	2821140	\$7,868	\$139	\$8,007	453%
25 MEMPHIS	TN	CLARKSVILLE	TN	CN MEMPH CSXT GUTHR RJCM	Polystyrene	2821140	\$6,059	\$60	\$6,119	637%
26 NEW ORLEANS	LA	BEECH ISLAND	SC	CN NEWOR CSXT	Polystyrene	2821140	\$6,864	\$142	\$7,006	401%
27 NEW ORLEANS	LA	STARTEX	SC	BNSF NEWOR CSXT	Polyethylene HD	2821142	\$7,080	\$144	\$7,224	408%
28 NEW ORLEANS	LA	SOCIAL CIRCLE	GA	BNSF NEWOR CSXT SOCIR GRWR	Polypropylene	2821139	\$5,841	\$109	\$5,950	415%
29 MEMPHIS	TN	PIQUA	OH	CN MEMPH CSXT	Polystyrene	2821140	\$6,255	\$124	\$6,379	406%
30 EAST ST. LOUIS	IL	PAINESVILLE	OH	UP ESTL CSXT	Aromatics	2911315	\$3,590	\$114	\$3,704	231%
31 NEW ORLEANS	LA	MONROE	NC	BNSF NEWOR CSXT	Polypropylene	2821139	\$8,239	\$152	\$8,391	452%
32 EFFINGHAM	IL	TERRE HAUTE	IN	CN EFFHAM CSXT	Polystyrene	2821140	\$3,571	\$14	\$3,585	789%
33 CHICAGO	IL	TERRE HAUTE	IN	BNSF CHGO CSXT	Polyethylene HD	2821142	\$3,682	\$36	\$3,718	544%
34 CHICAGO	IL	UTICA	NY	BNSF CHGO CSXT UTICA MHWA	Polypropylene	2821139	\$7,607	\$144	\$7,751	433%
35 NEW ORLEANS	LA	CARTERSVILLE	GA	BNSF NEWOR CSXT	Polypropylene	2821139	\$5,841	\$108	\$5,949	421%
36 NEW ORLEANS	LA	STANLEY	NC	BNSF NEWOR CSXT	Polypropylene	2821139	\$8,239	\$161	\$8,400	433%
37 CHICAGO	IL	AKRON	OH	BNSF CHGO CSXT (AB DELIVERY)	Polyethylene HD	2821142	\$4,843	\$69	\$4,912	485%
38 NEW ORLEANS	LA	DELAND	FL	BNSF NEWOR CSXT	Polypropylene	2821139	\$7,411	\$145	\$7,556	423%
39 NEW ORLEANS	LA	LAWRENCEVILLE	GA	BNSF NEWOR CSXT	Polyethylene HD	2821142	\$5,841	\$105	\$5,946	431%
40 NEW ORLEANS	LA	RIVER TERMINAL	NC	BNSF NEWOR CSXT (AR)	Polypropylene	2821139	\$7,267	\$177	\$7,444	351%
41 EAST ST. LOUIS	IL	SHELBYVILLE	KY	BNSF ESTL CSXT WINCH RJCC	Polypropylene	2821139	\$5,112	\$101	\$5,213	380%
42 EFFINGHAM	IL	WARMINSTER	PA	CN EFFHAM CSXT IVYLD NHRR	Polystyrene	2821140	\$9,345	\$203	\$9,548	399%

CSX JOINT MOVES

Origin		Destination		Route	Commodity Description	CSXT Rate		FSC @ \$0.20		CSXT Rate	
City	ST	City	ST			STCC	IQ10	IQ10	Incl. FSC	R/V C Ratio	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
43	NEW ORLEANS	LA	COVINGTON	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,841	\$107	\$5,948		426%
44.	EAST ST LOUIS	IL	SIDNEY	BNSF ESTL CSXT	Polypropylene	2821139	\$5,024	\$85	\$5,109		433%
45.	NEW ORLEANS	LA	HOLLYWOOD	BNSF NEWOR CSXT	Polypropylene	2821139	\$7,455	\$197	\$7,652		332%
46.	NEW ORLEANS	LA	LAKELAND	CN NEWOR CSXT	Polystyrene	2821140	\$7,680	\$155	\$7,835		417%
47.	NEW ORLEANS	LA	PANAMA CITY	CN NEWOR CSXT	Aromatics (Styrene)	2818342	\$4,964	\$84	\$5,048		407%
48	NEW ORLEANS	LA	ACKERMAN	BNSF NEWOR CSXT	Polypropylene	2821139	\$5,841	\$97	\$5,938		460%
49.	CHICAGO	IL	WESTBORO	BNSF CHGO CSXT	Polyethylene HD	2821142	\$8,657	\$197	\$8,854		384%
50	CHICAGO	IL	EIGHTY FOUR	BNSF CHGO CSXT	Polypropylene	2821139	\$6,362	\$103	\$6,465		451%
51	MEMPHIS	TN	GALLAWAY	CN MEMPH CSXT	Polystyrene	2821140	\$4,340	\$6	\$4,346		1158%
52.	MEMPHIS	TN	JASPER	CN MEMPH CSXT	Polystyrene	2821140	\$2,655	\$73	\$2,728		249%
53.	MEMPHIS	TN	NASHVILLE	BNSF MEMPH CSXT	Polyethylene IID	2821142	\$4,959	\$46	\$5,005		638%
54.	NEW ORLEANS	LA	LAGRANGE	BNSF NEWOR CSXT	Polypropylene	2821139	\$5,391	\$85	\$5,476		467%
55	NEW ORLEANS	LA	ANSLEY	CN NEWOR CSXT	Polystyrene	2821140	\$5,447	\$9	\$5,456		1338%
56	EFFINGHAM	IL	AKRON	CN EFHAM CSXT (AB DELIVERY)	Polystyrene	2821140	\$6,796	\$87	\$6,883		565%
57.	MEMPHIS	TN	HOPKINSVILLE	BNSF MEMPH CSXT	Polyethylene HD	2821142	\$4,959	\$62	\$5,021		534%
58.	NEW ORLEANS	LA	ORLANDO	BNSF NEWOR CSXT	Polyethylene HD	2821142	\$7,411	\$152	\$7,563		408%
59	NEW ORLEANS	LA	AUGUSTA	BNSF NEWOR CSXT	Polypropylene	2821139	\$7,612	\$192	\$7,804		346%
60	NEW ORLEANS	LA	BALTIMORE	BNSF NEWOR CSXT	Polyethylene HD	2821142	\$9,419	\$250	\$9,669		340%
61	CHICAGO	IL	UTICA	BNSF CHGO CSXT	Polyethylene IID	2821142	\$7,607	\$144	\$7,751		433%
62.	CHICAGO	IL	CLARKSBURG	BNSF CHGO CSXT	Polypropylene	2821139	\$6,196	\$127	\$6,323		395%
63	MEMPHIS	TN	MADISONVILLE	BNSF MEMPH CSXT	Polypropylene	2821139	\$4,786	\$69	\$4,855		479%
64.	NEW ORLEANS	LA	ATLANTA	UP NEWOR CSXT	Aromatics	2911315	\$5,588	\$100	\$5,688		416%
65.	NEW ORLEANS	LA	LAGRANGE	BNSF NEWOR CSXT	Polypropylene	2821139	\$5,391	\$85	\$5,476		467%
66.	NEW ORLEANS	LA	WARESBORO	BNSF NEWOR CSXT	Polypropylene	2821139	\$6,860	\$136	\$6,996		407%
67.	CHICAGO	IL	AKRON	BNSF CHGO CSXT	Polypropylene	2821139	\$4,843	\$69	\$4,912		476%
68.	EAST ST LOUIS	IL	HATFIELD	CN ESTL CSXT	Polystyrene	2821140	\$8,029	\$227	\$8,256		317%
69	MEMPHIS	TN	GALLAWAY	BNSF MEMPH CSXT	Polypropylene	2821139	\$4,340	\$6	\$4,346		1158%
70	NEW ORLEANS	LA	CHATTANOO	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,681	\$126	\$5,807		365%
71.	NEW ORLEANS	LA	ETON	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,681	\$118	\$5,799		384%
72.	NEW ORLEANS	LA	TYNER	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,681	\$128	\$5,809		360%
73	CHICAGO	IL	LYONS	BNSF-CHGO-CSXT	Polyethylene HD	2821142	\$6,707	\$124	\$6,831		435%
74	MEMPHIS	TN	LEBANON	BNSF-MEMPH-CSXT-VINH-NERR	Polyethylene HD	2821142	\$5,456	\$54	\$5,510		612%
75.	MEMPHIS	TN	JACKSON	BNSF-MEMPH-CSXT	Polypropylene	2821139	\$4,340	\$24	\$4,364		786%
76.	MEMPHIS	TN	LEWISBURG	BNSF-MEMPH-CSXT	Polypropylene	2821139	\$4,959	\$57	\$5,016		563%
77.	NEW ORLEANS	LA	EVERGREEN	BNSF-NEWOR-CSXT	Polyethylene HD	2821142	\$3,069	\$48	\$3,117		389%
78	NEW ORLEANS	LA	HELENA	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,080	\$80	\$5,160		459%
79	NEW ORLEANS	LA	NEWNAN	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,841	\$91	\$5,932		479%
80	NEW ORLEANS	LA	PETERSBUR	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$9,241	\$274	\$9,515		308%
81.	CHICAGO	IL	INDIAPLIS	CN-CHGO-CSXT	Polystyrene	2821140	\$3,939	\$39	\$3,978		558%
82.	CHICAGO	IL	LIVONIA	BNSF-CHGO-CSXT	Polyethylene HD	2821142	\$5,432	\$62	\$5,494		583%
83.	CHICAGO	IL	LOCKPORT	BNSF-CHGO-CSXT	Polypropylene	2821139	\$6,261	\$111	\$6,372		444%
84	CHICAGO	IL	WAPAKONET	BNSF-CHGO-CSXT	Polypropylene	2821139	\$3,970	\$51	\$4,021		484%

CSX JOINT MOVES

Origin		Destination		Route (5)	Commodity Description (6)	STCC (7)	CSXT Rate		FSC @ \$0.20		CSXT Rate		RVC Ratio	
City (1)	ST (2)	City (3)	ST (4)				IQ10 (8)	IO10 (9)	IO10 (9)	Incl. FSC (10)	IO10 (10)	Incl. FSC (10)	RVC Ratio (11)	RVC Ratio (11)
85. MEMPHIS	TN	HAWESVILL	KY	BNSF-MEMPH-CSXT	Polyethylene HD	2821142	\$4,786	\$88			\$4,874		406%	
86. NEW ORLEANS	LA	THOMSON	GA	BNSF-NEWOR-CSXT	Polyethylene HD	2821142	\$6,864	\$125			\$6,989		442%	
87. NEW ORLEANS	LA	TARBORO	NC	BNSF-NEWOR-CSXT	Polyethylene HD	2821142	\$8,370	\$197			\$8,567		372%	
88. NEW ORLEANS	LA	DECATUR	GA	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,841	\$100			\$5,941		447%	
89. NEW ORLEANS	LA	HORSE CAVE	KY	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$7,568	\$145			\$7,713		432%	
90. NEW ORLEANS	LA	VANCEBURG	KY	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$7,612	\$201			\$7,813		332%	
91. NEW ORLEANS	LA	MATTHEWS	NC	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$8,239	\$155			\$8,394		446%	
92. CHICAGO	IL	FARMINGDALE	NY	BNSF CHGO CSXT FPO NJ NYA	Polypropylene	2821139	\$8,396	\$197			\$8,593		366%	
93. CHICAGO	IL	NORTH VERNON 8/	IN	BNSF CHGO CSXT NVERN CMPA	Polyethylene HD	2821142	\$3,939	\$71			\$4,010		380%	
94. NEW ORLEANS	LA	PENDERGRASS	GA	BNSF NEWOR CSXT	Polypropylene	2821139	\$5,841	\$117			\$5,958		397%	
95. NEW ORLEANS	LA	VALDOSTA	GA	BNSF NEWOR CSXT (VR)	Polyethylene HD	2821142	\$5,442	\$113			\$5,555		377%	
96. CHICAGO	IL	FRANCESVILLE	IN	BNSF CHGO CSXT	Polyethylene HD	2821142	\$4,123	\$20			\$4,143		805%	
97. NEW ORLEANS	LA	JEFFERSON	GA	CN-NEWOR-CSXT	Polystyrene	2821140	\$5,841	\$116			\$5,957		401%	
98. NEW ORLEANS	LA	JEFFERSON	GA	BNSF-NEWOR-CSXT	Polypropylene	2821139	\$5,841	\$116			\$5,957		401%	
99. EFFINGHAM	IL	MAMARONEC	NY	CN-EFHAM-CSXT	Polystyrene	2821140	\$8,075	\$211			\$8,286		338%	

CERTIFICATE OF SERVICE

I hereby certify that I have caused the Complaint to be served by express overnight courier, this 3rd day of May 2010, on:

E.M. Fitzsimmons, Sr.
Vice President Law, General Counsel & Corporate Secretary
CSX Transportation Inc.
500 Water Street
Jacksonville, FL 32202



Jeffrey O. Moreno