



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

John M. Scheib
General Counsel

Writer's Direct Dial Number
(757) 629-2831
(757) 533-4872 (Fax)
john.scheib@nscorp.com

September 29, 2010

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: STB Finance Docket No. 35387, Ag Processing Inc A Cooperative
Petition for Declaratory Order

Dear Ms. Brown:

This letter is in response to the letter submitted by Ag Processing, Inc, through its counsel, on September 28, 2010, on behalf of Petitioners.¹ The stated purpose of that letter was to "request that the Board use its best efforts to bring about mediation of this case pursuant to 49 C.F.R. 1109.1, and that this proceeding be held in abeyance pending the outcome of mediation."

Norfolk Southern Railway Company ("NS") has no objection to mediating this dispute and has indicated that fact to opposing counsel on more than one occasion. Petitioners' letter reflects an inaccurate recollection of the conversations between NS and Petitioners, and, therefore, NS will now restate its position, for the benefit of Petitioners and the Board.

On the second page of their letter, Petitioners refer to a telephone conversation between their counsel and counsel for NS in which "counsel for NS suggested that Petitioners consider the possibility of mediating this dispute before the Board." NS did make such a suggestion. However, Petitioners indicated that they did not think there was any issue in the proceeding that could

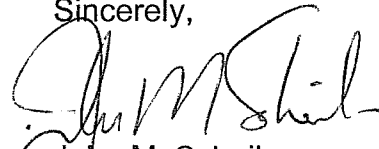
¹ The Petitioners in this matter include Ag Processing Inc A Cooperative, Bunge North America, Inc., Archer Daniels Midland Company, Louis Dreyfus Corporation, and Perdue Agribusiness, Inc.

Ms. Cynthia Brown
September 29, 2010
Page 2

be resolved by mediation. Accordingly, NS did not suggest mediation in its Answer to the Second Amended Petition.

Petitioners appear to have had a change of heart, and NS welcomes the opportunity to explore the Petitioners' Petition and the issues related to Part D of the Tariff through mediation. NS regrets that Petitioners found it necessary to involve the Board in this misunderstanding and reiterates its position that it has no objection to mediating this dispute or to holding this proceeding in abeyance pending the outcome of mediation.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Scheib". The signature is fluid and cursive, with a large initial "J" and "S".

John M. Scheib
Counsel for Norfolk Southern
Railway Company

cc: Andrew P. Goldstein