

## Quarterly Status Report of Rate Complaint Cases Before the STB - 1ST QUARTER 2016

<b>Docket No:</b>	<a href="#">NOR 42121</a>	<a href="#">NOR 42125</a>	<a href="#">NOR 42130</a>	<a href="#">NOR 42142</a>
<b>Case Name:</b>	Total Petrochemicals & Refining USA Inc. v. CSX Transportation, Inc.	E.I. DuPont de Nemours & Co. v. Norfolk Southern Railway Co.	SunBelt Chlor Alkali Partnership v. Norfolk Southern Railway Co.	Consumers Energy Co. v. CSX Transportation, Inc.
<b>Commodities:</b>	4 Chemical Commodities	26 Chemical Commodities	Chlorine	Coal

<b>Rate Review Type (SAC, SSAC, 3-Benchmark or Other):</b>	SAC	SAC	SAC	SAC and Revenue Adequacy
<b>Origin(s):</b>	4 Origins	15 Origins	McIntosh, AL	Interchange with BNSF in the vicinity of Chicago, IL
<b>Destination(s):</b>	62 Destinations	28 Destinations	Interchange with UP at New Orleans, LA	Campbell Generating Station near West Olive, MI

<b>Procedural Schedule:</b>				
<b>Date on Which Proceeding Began</b>	May 3, 2010	October 7, 2010	July 26, 2011	January 13, 2015
<b>*Discovery Completed:</b>	October 17, 2013	Between: Dec. 11, 2011 - Jan. 13, 2012*	February 6, 2012	July 1, 2015
<b>Opening Evidence:</b>	February 18, 2014 / October 7, 2015 (supplemental)	April 30, 2012	August 1, 2012	November 2, 2015
<b>Reply Evidence:</b>	July 21, 2014 / November 20, 2015 (supplemental)	November 30, 2012	January 7, 2013	March 7, 2016
<b>Rebuttal Evidence:</b>	November 5, 2014	April 15, 2013	June 3, 2013	<i>May 6, 2016</i>
<b>Closing Briefs:</b>	December 14, 2015	June 14, 2013	July 26, 2013	<i>June 10, 2016</i>

*Italics indicate dates of future events, which are subject to change.*

<b>Merits Decision:</b>	<i>September 14, 2016</i>	March 14, 2014 (Updated March 24, 2014)	June 20, 2014	<i>March 10, 2017</i>
<b>Decision Making Technical Corrections</b>	NA	October 3, 2014	July 30, 2014	NA
<b>Petitions for Reconsideration or Reopening</b>	NA	November 12, 2014	July 30, 2014	NA
<b>Replies to Petitions for Reconsideration or Reopening</b>	NA	December 12, 2014	September 9, 2014	NA
<b>Merits Decision on Reconsideration or Reopening</b>	NA	December 23, 2015	<i>Pending</i>	NA

*Italics indicate dates of future events, which are subject to change.*

<b>Brief Description of the Final Decision:</b>				
	TBD	The Board found that the complaining shipper did not have a feasible shipping alternative to the defendant railroad for much of the transportation at issue, but that complainant had failed to demonstrate that the challenged rates were unreasonably high.	<i>Petitions for reconsideration pending.</i> In the merits decision, the Board declined to impose a rate prescription because the complainant did not demonstrate that the challenged rates would be unreasonable under the SAC test until the last year of the 10-year analysis period, and then to only a small degree.	TBD

**\* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed.**

## TOTAL PETROCHEMICALS & REFINING USA v. CSX TRANSPORTATION, Docket No. NOR 42121

[Back to Overview Page](#)

*Complete Timeline (Significant Filings and Decisions Only)*

TPI Complaint	May 3, 2010
CSXT Answer	May 24, 2010
TPI 1st Amended Complaint	July 26, 2010
CSXT Answer to 1st Amended Complaint	August 16, 2010
CSXT Motion for Expedited Determination of Jurisdiction over Challenged Rates	October 1, 2010
TPI 2nd Amended Complaint	October 4, 2010
Close of First Discovery Period*	October 15, 2010
TPI Motion for Expedited Determination of Jurisdiction over Challenged Rates	October 21, 2010
Joint Submission of Operating Characteristics	November 29, 2010
TPI Appeal of Director Decision Denying TPI's 1st Motion to Compel	November 30, 2010
CSXT Reply to TPI Appeal	December 3, 2010
Illinois Railway, and South Carolina Central Railroad Answers to 2nd Amended Complaint	December 9, 2010
Pioneer Valley Railroad Answer to 2nd Amended Complaint	December 10, 2010
STB Decision Denying TPI's Appeal of Director Decision Denying First Motion to Compel	December 23, 2010
TPI 3rd Amended Complaint	January 4, 2011
Mohawk, Adirondack & Northern Railroad Corp. Answer to 3rd Amended Complaint	January 14, 2011
R.J. Corman Railroad Answer to Third Amended Complaint	January 24, 2011
TPI 4th Amended Complaint	February 3, 2011
STB Decision Bifurcating Proceeding into Separate Market Dominance and Rate Reasonableness Phases	April 5, 2011
TPI Opening Market Dominance Evidence	May 5, 2011
CSXT Motion to Redesignate	May 17, 2011
TPI Reply to Motion to Redesignate	May 19, 2011
STB Decision Addressing CSXT Motion to Redesignate	July 15, 2011
CSXT Reply Market Dominance Evidence	August 5, 2011
TPI Rebuttal Market Dominance Evidence	September 6, 2011
CSXT Motion to Strike Portions of TPI's Rebuttal Market Dominance Evidence	September 29, 2011
TPI Reply to Motion to Strike	October 17, 2011
STB Decision on Market Dominance	May 31, 2013
CSXT and TPI Petitions for Reconsideration	June 20, 2013
STB Decision Ordering Supplemental Discovery	July 19, 2013
CSXT and TPI Replies to Petitions for Reconsideration	July 24, 2013
Association of American Railroads Petition to Intervene	July 24, 2013
Close of Supplemental Discovery	October 17, 2013
STB Decision Denying Petitions for Reconsideration of Market Dominance Decision	December 19, 2013
CSXT Petition for Judicial Review in the D.C. Circuit	December 26, 2013
CSXT Petition for a Stay	December 26, 2013
TPI Reply to Motion for Stay	December 30, 2013
STB Decision Denying CSXT Request for Stay	January 2, 2014
TPI Opening Rate Reasonableness Evidence	February 18, 2014
CSXT Reply Rate Reasonableness Evidence	July 21, 2014
TPI Rebuttal Rate Reasonableness Evidence	November 5, 2014
TPI Petition to Supplement the Record	November 5, 2014
CSXT Reply to Petition to Supplement the Record	November 25, 2014
D.C. Circuit Decision Denying CSXT Petition for Judicial Review	December 16, 2014
STB Decision Ordering Technical Conference	May 18, 2015
Technical Conference	May 27, 2015
STB Decision Addressing TPI Petition to Supplement and Ordering Supplemental Evidence	July 24, 2015
STB Decision Ordering Compliance Evidence	July 24, 2015
TPI Petition for Reconsideration and Clarification	July 31, 2015
CSXT Reply to TPI Petition	August 12, 2015
STB Decision on Petition for Reconsideration	September 4, 2015
TPI and CSXT Supplemental and Compliance Evidence	October 7, 2015
TPI and CSXT Supplemental and Compliance Reply Evidence	November 20, 2015
TPI Motion to Strike	November 25, 2015
CSXT Reply to Motion to Strike	December 7, 2015
TPI and CSXT Final Briefs	December 14, 2015

*\* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed*

## E.I. DUPONT DE NEMOURS & CO. v. NORFOLK SOUTHERN RY., Docket No. NOR 42125

[Back to Overview Page](#)

*Complete Timeline (Significant Filings and Decisions Only)*

DuPont Complaint	October 7, 2010
NS Answer	October 27, 2010
Discovery Conference	May 6, 2011
DuPont 1st Amended Complaint	May 11, 2011
NS Answer to 1st Amend. Complaint	May 31, 2011
DuPont 2nd Amended Complaint	July 18, 2011
NS Answer to 2nd Amend. Complaint	August 8, 2011
Discovery Conference	November 18, 2011
Close of Discovery *	November 21, 2011
NS Petition for Subpoena	November 23, 2011
DuPont 3rd Amended Complaint	December 5, 2011
STB Decision Granting NS Petition for Subpoena	December 9, 2011
DuPont/NS Joint Submission of Operating Characteristics	December 22, 2011
DuPont Opening Evidence	April 30, 2012
NS Petition to Hold Proceeding in Abeyance	August 6, 2012
DuPont Reply to NS Petition to Hold in Abeyance	August 27, 2012
STB Decision Denying NS Petition to Hold in Abeyance	November 29, 2012
NS Reply Evidence	November 30, 2012
NS Petition to Clarify Use of Multi-Rail	January 25, 2013
NS Letter Offering to Provide STB w. Multi-Rail	January 25, 2013
STB Letter Rejecting NS Offer to Provide Multi-Rail	February 11, 2013
DuPont Reply to NS Petition to Clarify re. Multi-Rail	February 14, 2013
STB Decision Rejecting as Moot NS Petition to Clarify	March 27, 2013
DuPont Rebuttal Evidence	April 15, 2013
DuPont and NS Final Briefs	June 14, 2013
DuPont Errata to Rebuttal Evidence	July 18, 2013
NS Motion to Strike DuPont Errata	July 25, 2013
DuPont Reply to NS Motion to Strike	August 1, 2013
NS Motion to Dismiss (3-year Statute)	October 24, 2013
DuPont Reply to NS Motion to Dismiss	November 13, 2013
STB Decision on Merits Finding Rates Not Unreasonable	March 14, 2013
STB Decision w. Market Dominance Appendix	March 24, 2014
DuPont/NS Joint Petition for Technical Corrections	April 14, 2014
STB Decision Issuing Partial Technical Corrections	April 30, 2014
STB Decision Issuing Remaining Technical Corrections	October 3, 2014
DuPont & NS Petitions for Reconsideration	November 12, 2014
DuPont/NS Joint Petition for Additional Tech. Corrections	November 13, 2014
DuPont & NS Replies to Petitions for Reconsid.	December 12, 2014
STB Decision on Reconsideration Petitions	December 23, 2015

*\* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed*

## SUNBELT CHLOR ALKALI PARTNERSHIP v. NORFOLK SOUTHERN RY., Docket No. NOR 42130

[Back to Overview Page](#)

*Complete Timeline (Significant Filings and Decisions Only)*

Sunbelt Complaint	July 26, 2011
UP and NS Answers	August 15, 2011
UP Motion for Partial Dismiss for Lack of Market Domin.	September 26, 2011
Sunbelt Petition for Clarification re. Prescription of Joint Rate	December 6, 2011
Sunbelt Reply to UP Motion for Partial Dismissal	December 6, 2011
UP and NS Replies to Sunbelt Petition for Clarification	January 6, 2012
NS Petition for Subpoena	January 27, 2012
Close of Discovery *	February 6, 2012
Sunbelt, Oxyvinyls, and Occidental Chem. Replies to NS Pet. for Subpoena	February 16, 2012
NS and Sunbelt Joint Submission of Operating Characteristics	April 9, 2012
Sunbelt Motion to Dismiss Complaint Against UP and Pet. for Clarification	May 4, 2012
Sunbelt 1st Amended Complaint	May 4, 2012
NS Motion to Withdraw Petition for Subpoena	May 15, 2012
NS Answer to 1st Amend. Complaint	May 24, 2012
Sunbelt Opening Evidence	August 1, 2012
NS Petition to Hold Proceeding in Abeyance	September 21, 2012
Sunbelt Reply to NS Pet. to Hold in Abeyance	October 11, 2012
STB Decision Denying NS Petition to Hold in Abeyance	November 29, 2012
NS Reply Evidence	January 7, 2013
NS Petition to Clarify Use of Multi-Rail	January 25, 2013
NS Letter Offering to Provide STB w. Multi-Rail	January 25, 2013
STB Letter Rejecting NS Offer to Provide Multi-Rail	February 11, 2013
Sunbelt Reply to NS Petition to Clarify re. Multi-Rail	February 14, 2013
STB Decision Rejecting as Moot NS Petition to Clarify	March 27, 2013
Sunbelt Rebuttal Evidence	June 3, 2013
Sunbelt and NS Final Briefs	July 26, 2013
NS Motion to Strike Sunbelt Rebuttal Evidence	July 26, 2013
Sunbelt Reply to NS Motion to Strike	August 15, 2013
STB Decision on Merits Finding Rates Not Unreasonable	June 20, 2014
Sunbelt/NS Joint Petition for Technical Corrections	July 30, 2014
Sunbelt and NS Petitions for Reconsideration	July 30, 2014
Sunbelt and NS Replies to Petitions for Reconsid.	September 9, 2014

*\* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed*

## CONSUMERS ENERGY CO. v. CSX TRANSPORTATION, Docket No. NOR 42142

[Back to Overview Page](#)

*Complete Timeline (Significant Filings and Decisions Only)*

Consumers Complaint	January 13, 2015
CSX Answer	February 2, 2015
CSX Motion to Dismiss Revenue Adequacy Claim	March 24, 2015
Consumers Reply to CSX Motion to Dismiss	April 13, 2015
Discovery Conference	April 21, 2015
STB Decision Denying CSX Motion to Dismiss Rev. Adeq. Claim	June 15, 2015
Technical Conference	June 23, 2015
Close of Discovery*	July 1, 2015
STB Decision Adopting Procedures for Formatting of Evidence	July 15, 2015
Discovery Conference	July 20, 2015
Consumers Opening Evidence	November 2, 2015
CSX Reply Evidence	March 7, 2016
Consumers Petition for Technical Conference	March 14, 2016

*\* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed*

### Rail Rate Cases at the STB

(1996 to Present) - Last Updated 03/31/2016

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
41191	West Texas v. BNSF	Coal	SAC	5/3/1996	Rates Unreasonable
37809	McCarty Farms v. BN	Grain	SAC	8/20/1997	Rates Reasonable
41185	APS v. ATSF	Coal	SAC	4/17/1998	Rates Unreasonable
41989	Pepco v. CSX	Coal	SAC	6/18/1998	Settlement
42012	Sierra Pacific v. UP	Coal	SAC	7/17/1998	Settlement
41670	Shell Chemical v. NS	Chemical	Simplified	3/12/1999	Settlement
41295	PPL v. Conrail	Coal	SAC	5/13/1999	Settlement
42034	PSI Energy v. Soo	Coal	SAC	5/13/1999	Settlement
42022	FMC v. UP	Minerals	SAC	5/12/2000	Rates Unreasonable
42038	MN Power v. DMIR	Coal	Stipulated R/VC	1/5/2001	Settlement
42051	WPL v. UP	Coal	SAC	5/14/2002	Rates Unreasonable
42054	PPL v. BNSF	Coal	SAC	8/20/2002	Rates Reasonable
42059	Northern States v. UP	Coal	Stipulated R/VC	8/7/2003	Settlement
42077	APS v. BNSF	Coal	SAC	12/31/2003	Withdrawn
42056	TMPA v. BNSF	Coal	SAC	9/27/2004	Rates Unreasonable
42069	Duke v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42070	Duke v. CSXT	Coal	SAC	10/20/2004	Rates Reasonable
42072	Carolina Power v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42057	Xcel v. BNSF	Coal	SAC	12/14/2004	Rates Unreasonable
42058	AEP v. BNSF	Coal	SAC	3/15/2005	Rates Reasonable
42093	BP Amoco v. NS	Chemical	Simplified	6/28/2005	Settlement
42071	Otter Tail v. BNSF	Coal	SAC	1/27/2006	Rates Reasonable
42091	APS v. BNSF	Coal	SAC	2/10/2006	Settlement
42097	Albemarle v. LNW	Chemical	SAC	11/14/2006	Settlement
42098	Williams Olefins v. GTC	Chemical	Simplified	2/15/2007	Settlement
42095	KCPL v. UP	Coal	Stipulated R/VC	5/19/2008	Rates Unreasonable
42088	Western Fuels v. BNSF	Coal	SAC	2/18/2009	Rates Unreasonable
42112	E.I. Dupont v. CSX	Chemical	SAC	5/11/2009	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC	5/15/2009	Rates Reasonable
42111	Oklahoma Gas v. UP	Coal	Stipulated R/VC	7/24/2009	Rates Unreasonable
42099	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42100	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42101	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42114	U.S. Magnesium v. UP	Chemical	Three-Benchmark	1/28/2010	Rates Unreasonable
42115	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42116	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42122	NRG v. CSXT	Coal	SAC	7/8/2010	Settlement
42110	Seminole Electric v. CSXT	Coal	SAC	9/27/2010	Settlement
42113 (S1)	AEP v. UP	Coal	SAC	4/15/2011	Settlement
42128	SMEPA v. NS	Coal	SAC	8/31/2011	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC-Remand	10/26/2011	Settlement
42113	AEP v. BNSF & UP	Coal	SAC	11/22/2011	Rates Unreasonable
42132	Canexus v. BNSF	Chemical	Three-Benchmark	7/20/2012	Settlement
42127	IPA v. UP	Coal	SAC	11/2/2012	Withdrawn
42123	M&G Polymers v. CSXT	Chemicals	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemicals	SAC	3/24/2014	Rates Reasonable
42130	SunBelt v. NS	Chemical	SAC	6/20/2014	No Rate Prescribed*
42136	IPA v. UP	Coal	SAC	10/8/2014	Settlement
42088	Western Fuels v. BNSF	Coal	SAC	6/15/2015	Settlement

### Pending before the STB

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
42121	TPI v. CSXT	Chemicals	SAC	TBD	TBD
42130	SunBelt v. NS (reconsideration)	Chemical	SAC	TBD	TBD
42142	Consumers v. CSXT	Coal	SAC	TBD	TBD

**Notes to Table:**

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.
2. Simplified = Using a Simplified, Rather than SAC, Methodology for Determining the Reasonableness of Rates as Set Forth in Coal Rate Guidelines, Nationwide, 1 I.C.C.2d 520 (1985) (Guidelines).
3. Stipulated R/VC = Parties Agreed to Use Revenue to Variable Cost (R/VC) Ratios @ 180% Level, in Lieu of Using SAC.
4. Three-Benchmark Methodology = Methodology of Seeking Relief Pursuant to the Revised Simplified Procedures as Set Forth in Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) and any additional Sub-No. decisions.

\*The Board declined to impose a rate prescription because the complainant did not demonstrate that the challenged rates would be unreasonable under the SAC test until the last year of the 10-year analysis period, and then to only a small degree.