

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

239017

**TOTAL PETROCHEMICALS & REFINING
USA, INC.**

Complainant,

v.

CSX TRANSPORTATION, INC.

Defendant.

ENTERED
Office of Proceedings
August 12, 2015
Part of
Public Record

Docket No. NOR 42121

MOTION TO AMEND PROCEDURAL SCHEDULE

Defendant CSX Transportation, Inc. (“CSXT”) respectfully submits this Motion to Amend the procedural schedule in the above-captioned proceeding. On July 24, 2015, the Board issued two separate Decisions in this proceeding, one that requires the parties to submit certain supplemental evidence and the other that requires workpaper revisions that the Board denominated as “compliance evidence.” The Board established a procedural schedule that required both supplemental evidence and compliance evidence to be filed by September 22, 2015; replies to supplemental evidence to be filed by October 22, 2015; and final briefs to be filed by November 12, 2015.

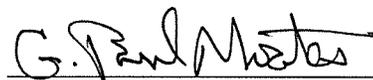
Complainant Total Petrochemicals & Refining, USA Inc. (“TPI”) has filed a Petition for Reconsideration and Clarification of the July 24 decision requiring supplemental evidence. While that Petition is meritless and should be denied for the reasons set forth in the Reply that CSXT is filing today, CSXT does agree with TPI’s concern that producing the requested supplemental and compliance evidence by September 22 will be difficult for the parties. *See* Pet. for Reconsideration and Clarification of TPI, *Total Petrochemicals & Ref. USA, Inc. v. CSX Transp., Inc.*, STB Docket No. NOR 42121, at 1 (July 31, 2015) (“TPI Petition”) (claiming that

“every hour” between now and September 22 would be needed to prepare supplemental evidence). In part this is because creating the requested supplemental evidence will require the parties to revise and run what is an unusually large RTC model (because of the size of the Stand Alone Railroad that TPI has posited). And in part it is because the compliance evidence order will require careful review of both previously submitted workpapers and workpapers generated in connection with supplemental evidence.

CSXT believes that a 30-day extension of time for parties to prepare supplemental evidence will provide adequate time for each party to prepare the requested presentation. CSXT also proposes that the Board’s proposed 30-day period for replies be extended to 60 days to ensure that each party has sufficient time to review and respond to the other’s supplemental evidence. CSXT therefore asks the Board to adopt the below schedule:

Supplemental and compliance evidence:	October 22, 2015
Replies to supplemental and compliance evidence	December 21, 2015 ¹
Final briefs	January 11, 2016

Respectfully submitted,



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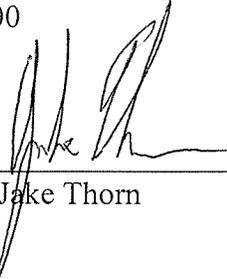
Dated: August 12, 2015

¹ 61 days because December 20 is a Sunday.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August 2015, I served a copy of the foregoing CSXT's Motion to Amend Procedural Schedule by email and hand-delivery upon:

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