

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings
September 15, 2016
Part of
Public Record**

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NORTH AMERICA FREIGHT CAR)	
ASSOCIATION; AMERICAN FUEL &)	
PETROCHEMICALS MANUFACTURERS;)	
THE CHLORINE INSTITUTE; THE)	
FERTILIZER INSTITUTE; AMERICAN)	
CHEMISTRY COUNCIL; ETHANOL)	
PRODUCTS, LLC D/B/A POET ETHANOL)	
PRODUCTS; POET NUTRITION, INC.; and)	NOR 42144
CARGILL INCORPORATED,)	
)	
Complainants,)	
)	
v.)	
)	
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	
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**UNION PACIFIC RAILROAD COMPANY'S
REVISED PETITION FOR SUBPOENAS**

RHONDA S. FERGUSON
LOUISE A. RINN
CRAIG V. RICHARDSON
DANIELLE E. BODE
Union Pacific Railroad Company
1400 Douglas Street
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Attorneys for Union Pacific Railroad Company

September 15, 2016

Union Pacific previously filed a petition for subpoenas on May 17, 2016.¹ A hearing on the petition is presently scheduled for September 20, 2016.

This revised petition refines Union Pacific's original requests for production to minimize burdens on the Tank Car Owners and reduce the number issues in dispute at the hearing. Union Pacific is also continuing to pursue alternatives for obtaining the requested information through processes that do not require issuance of a subpoena. In particular, Union Pacific is pursuing the possibility of obtaining responsive data from an alternative source, but it has determined that, at most, the alternative source can provide data responsive only to request for production Nos. 2(a) and 4, and partially responsive to request for production Nos. 3 and 11. In addition, Union Pacific is continuing to pursue efforts to resolved as many issues as possible with Tank Car Owners in advance of the hearing.

Respectfully submitted,

/s/ Michael L. Rosenthal
MICHAEL L. ROSENTHAL
KAVITA PILLAI
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
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(402) 544-3309

Attorneys for Union Pacific Railroad Company

September 15, 2016

¹ To eliminate the need for repetition of the facts supporting issuance of the requested subpoenas, Union Pacific incorporates its original petition and accompanying exhibits by reference.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September 2016, I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, or a more expeditious manner of delivery, on all of the parties of record in NOR 42144, as shown below:

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David K. Monroe, Esq.
GKG Law, P.C.
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Washington, DC 20007
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Washington, DC 20006
(By E-mail)

I also caused a copy of the foregoing document to be served by hand on Administrative Law Judge John P. Dring, Federal Energy Regulatory Commission Office of Administrative Law Judges, 888 First Street, N.E., Washington DC 20426.

/s/ Michael L. Rosenthal
Michael L. Rosenthal

**BEFORE THE
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SUBPOENA TO UNION TANK CAR COMPANY

Pursuant to 49 U.S.C. § 1321 and 49 C.F.R. § 1113.2, the Surface Transportation Board (“Board”) hereby issues this Subpoena directing Union Tank Car Company (“UTLX”) to produce the documentary evidence specified herein for use in the above-captioned proceeding.

INSTRUCTIONS

1. The documentary evidence requested in this Subpoena shall be provided within twenty days of the date this subpoena is served on UTLX, unless otherwise agreed by counsel for UTLX and counsel for Union Pacific Railroad Company (“Union Pacific”). UTLX shall produce copies of responsive documents to Union Pacific’s counsel, Michael L. Rosenthal, at the offices of Covington & Burling LLP, One CityCenter, 850 Tenth Street, N.W., Washington, D.C. 20001.

2. Responsive documents that are confidential or highly confidential may be produced under the terms of the Board's February 11, 2016 Protective Order in the above-captioned proceeding.

3. You are required to produce all responsive documents in Your possession, custody, or control.

4. Unless a different time period is specified, you are required to produce responsive documents created on or after January 1, 2001.

DEFINITIONS

1. "Document" means all types of documents that are subject to discovery under the Board's rules at 49 C.F.R. § 1113.2(b)(2). "Document" includes every copy of a document that is not identical to the original or any other copy.

2. "Identify" when used with respect to movements of a rail car means to state the waybill number, the date the movement began, the car number, the origin, the destination, the carriers in the route, any interchange points, and the total miles.

3. "Item 55-C" means Item 55-C in UP Tariff 6004.

4. "Lessee" means an entity that leases a tank car from the tank car's Owner.

5. "Mileage Allowance" means compensation paid pursuant to the agreement initially approved in *Investigation of Tank Car Allowance Systems*, 3 I.C.C.2d 196 (1986).

6. "Mileage Equalization Charges" means charges imposed on tank car Owners pursuant to freight Tariff RIC 6007-Series.

7. "Owner" means the entity to which a tank car's reporting mark is assigned.

8. "Repair Facility" means any facility that cleans, lines, relines, maintains, modifies, repairs, or retrofits tank cars.

9. “Union Pacific” means Union Pacific Railroad Company, and includes its predecessors.

10. “You” refers to UTLX, as well as its parents, subsidiaries, affiliates, employees, agents, and all others acting (or who have acted) on its behalf.

11. “Zero-Mileage Rates” means a rail transportation rate that does not provide for payment of a Mileage Allowance.

REQUESTS FOR PRODUCTION

1. Please produce (a) all documents discussing or describing the actual or anticipated impact of Item 55-C, and (b) all communications (other than routine transaction documents) to or from lessees or other car owners regarding Item 55-C.
2. For the period from 2008-2015, please produce:
 - a) documents, by car mark, sufficient to show mileage equalization payments to Railinc;
 - b) documents, by lessee and by car mark, sufficient to show excess empty mileage charges billed to and collected from lessees, or to show where you have waived billing or collection;
 - c) documents, by railroad, sufficient to show empty repair mileage payments to railroads other than Union Pacific;
 - d) documents, by lessee and by car mark, sufficient to show empty repair mileage charges billed to and collected from lessees, or to show where you have waived billing or collection; and
 - e) all studies, analyses, or reports regarding the costs of moving empty tank cars.
3. For the period from January 1, 2013 through December 31, 2015, please produce documents sufficient to identify each movement of a tank car for which You were the Owner to a Repair Facility, the work performed at the Repair Facility, and the reason for each movement.
4. Please produce documents sufficient to show for each car reporting mark, for tank cars for which you were the Owner, separately for each year from 2009 through 2015:
 - a) The number of loaded miles the cars moved on railroads other than Union Pacific;
 - b) The number of empty miles the cars moved on railroads other than Union Pacific, excluding mileage for empty cars moving on revenue billing;

- c) The number of empty miles cars moved on revenue billing on railroads other than Union Pacific;
 - d) The number of empty miles on Union Pacific associated with the cars' movements to or from Repair Facilities;
 - e) The number of empty miles on railroads other than Union Pacific associated with the cars' movements to or from Repair Facilities;
 - f) The number of empty miles on Union Pacific associated with the cars' movements from Repair Facilities to other Repair Facilities;
 - g) The number of empty miles on all railroads associated with the cars' movements from Repair Facilities to other Repair Facilities;
 - h) The number of empty movements to Repair Facilities on Union Pacific or a Class III railroad that interchanged with Union Pacific; and
 - i) The number of empty movements to Repair Facilities on all railroads.
5. Please produce all contracts with Repair Facilities to which You have directed tank cars since January 1, 2013.
6. Please produce all documents discussing Item 55-C or similar charges by other railroads in connection with your instructions to a lessee to direct particular cars to particular repair facilities.
7. Please produce all documents (a) consisting of, discussing, or describing plans for retrofitting tank cars; and (b) discussing or describing the actual or anticipated impacts of Item 55-C or similar charges imposed by other railroads on plans for retrofitting tank cars.
8. Please produce all documents (other than routine transactional documents and lease agreements) that refer to, relate to, or consist of:
- a) communications with lessees or potential lessees regarding (i) their ability to negotiate zero-mileage rates, (ii) the practice of negotiating zero-mileage rates, (iii) the obligation of railroads to pay mileage allowances, or (iv) the lease rates you would charge depending on whether lessee negotiates zero mileage rates or rates that include the payment of mileage allowances.
 - b) studies, analyses or reports of (i) the relationship between mileage allowance levels and tank car ownership costs, or (ii) compensation paid by railroads for use of private cars.
9. [Resolved]

10. For the period from 2005-2015, please produce
- a) all studies, analyses, or reports, other than studies, analyses, or reports related to individual lessees, regarding the cost of owning tank cars, as well as the extent to which those costs are reimbursed by lessees;
 - b) all studies, analyses, or reports, other than studies, analyses, or reports related to individual lessees, regarding the cost of maintaining tank cars, as well as the extent to which those costs are reimbursed by lessees;
 - c) documents sufficient to show your costs of owning tank cars, as well as the extent to which those costs are reimbursed by lessees; and
 - d) documents sufficient to show your costs of maintaining tank cars, as well as the extent to which those costs are reimbursed by lessees.
11. Please produce all documents that refer or relate to the development of “Lessor Cost” for purposes of the Section 3 of Agreement approved in *Investigation of Tank Car Allowance System*, Ex Parte No. 328.
12. Please produce all lease agreements for tank cars You leased to the 35 shippers identified in Attachment A, since January 1, 2001, including all riders and any other documents referenced in or attached to each lease agreement.
13. Please produce documents sufficient to show the average lease rate for tank cars, by car type, for cars You leased to Lessees in each month from 2001 through the present, including documents sufficient to show whether those lease rates presumed railroad payments of mileage allowances.

Attachment A

List of 35 Shippers for RFP 12

1. Ag Processing
2. Agrium
3. Archer Daniels Midland
4. Axiall
5. BASF
6. Bayer AG
7. Bunge
8. Calumet Specialty Products Partners
9. Celanese
10. CF Industries
11. CVR Energy
12. Dow Chemical
13. Eastman Chemical
14. Eco Energy
15. Eco Services Operations
16. ExxonMobil
17. Formosa Plastics USA
18. Freeport McMoRan
19. Great Northern Midstream
20. Green Plains, Inc.
21. Hess
22. Koch Industries
23. Keyera
24. NGL Energy
25. Occidental Petroleum
26. Olin
27. Phillips 66
28. Plains All American Pipeline
29. Shell North America
30. Shintech
31. Simplot
32. Tesoro
33. Tyson Foods
34. Valero Energy
35. Western Refining

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Defendant.)	
)	

SUBPOENA TO GATX CORPORATION

Pursuant to 49 U.S.C. § 1321 and 49 C.F.R. § 1113.2, the Surface Transportation Board (“Board”) hereby issues this Subpoena directing GATX Corporation (“GATX”) to produce the documentary evidence specified herein for use in the above-captioned proceeding.

INSTRUCTIONS

1. The documentary evidence requested in this Subpoena shall be provided within twenty days of the date this subpoena is served on GATX, unless otherwise agreed by counsel for GATX and counsel for Union Pacific Railroad Company (“Union Pacific”). GATX shall produce copies of responsive documents to Union Pacific’s counsel, Michael L. Rosenthal, at the offices of Covington & Burling LLP, One CityCenter, 850 Tenth Street, N.W., Washington, D.C. 20001.

2. Responsive documents that are confidential or highly confidential may be produced under the terms of the Board's February 11, 2016 Protective Order in the above-captioned proceeding.

3. You are required to produce all responsive documents in Your possession, custody, or control.

4. Unless a different time period is specified, you are required to produce responsive documents created on or after January 1, 2001.

DEFINITIONS

1. "Document" means all types of documents that are subject to discovery under the Board's rules at 49 C.F.R. § 1113.2(b)(2). "Document" includes every copy of a document that is not identical to the original or any other copy.

2. "Identify" when used with respect to movements of a rail car means to state the waybill number, the date the movement began, the car number, the origin, the destination, the carriers in the route, any interchange points, and the total miles.

3. "Item 55-C" means Item 55-C in UP Tariff 6004.

4. "Lessee" means an entity that leases a tank car from the tank car's Owner.

5. "Mileage Allowance" means compensation paid pursuant to the agreement initially approved in *Investigation of Tank Car Allowance Systems*, 3 I.C.C.2d 196 (1986).

6. "Mileage Equalization Charges" means charges imposed on tank car Owners pursuant to freight Tariff RIC 6007-Series.

7. "Owner" means the entity to which a tank car's reporting mark is assigned.

8. "Repair Facility" means any facility that cleans, lines, relines, maintains, modifies, repairs, or retrofits tank cars.

9. “Union Pacific” means Union Pacific Railroad Company, and includes its predecessors.

10. “You” refers to GATX, as well as its parents, subsidiaries, affiliates, employees, agents, and all others acting (or who have acted) on its behalf.

11. “Zero-Mileage Rates” means a rail transportation rate that does not provide for payment of a Mileage Allowance.

REQUESTS FOR PRODUCTION

1. Please produce (a) all documents discussing or describing the actual or anticipated impact of Item 55-C, and (b) all communications (other than routine transaction documents) to or from lessees or other car owners regarding Item 55-C.
2. For the period from 2008-2015, please produce:
 - a) documents, by car mark, sufficient to show mileage equalization payments to Railinc;
 - b) documents, by lessee and by car mark, sufficient to show excess empty mileage charges billed to and collected from lessees, or to show where you have waived billing or collection;
 - c) documents, by railroad, sufficient to show empty repair mileage payments to railroads other than Union Pacific;
 - d) documents, by lessee and by car mark, sufficient to show empty repair mileage charges billed to and collected from lessees, or to show where you have waived billing or collection; and
 - e) all studies, analyses, or reports regarding the costs of moving empty tank cars.
3. For the period from January 1, 2013 through December 31, 2015, please produce documents sufficient to identify each movement of a tank car for which You were the Owner to a Repair Facility, the work performed at the Repair Facility, and the reason for each movement.
4. Please produce documents sufficient to show for each car reporting mark, for tank cars for which you were the Owner, separately for each year from 2009 through 2015:
 - a) The number of loaded miles the cars moved on railroads other than Union Pacific;
 - b) The number of empty miles the cars moved on railroads other than Union Pacific, excluding mileage for empty cars moving on revenue billing;

- c) The number of empty miles cars moved on revenue billing on railroads other than Union Pacific;
 - d) The number of empty miles on Union Pacific associated with the cars' movements to or from Repair Facilities;
 - e) The number of empty miles on railroads other than Union Pacific associated with the cars' movements to or from Repair Facilities;
 - f) The number of empty miles on Union Pacific associated with the cars' movements from Repair Facilities to other Repair Facilities;
 - g) The number of empty miles on all railroads associated with the cars' movements from Repair Facilities to other Repair Facilities;
 - h) The number of empty movements to Repair Facilities on Union Pacific or a Class III railroad that interchanged with Union Pacific; and
 - i) The number of empty movements to Repair Facilities on all railroads.
5. Please produce all contracts with Repair Facilities to which You have directed tank cars since January 1, 2013.
6. Please produce all documents discussing Item 55-C or similar charges by other railroads in connection with your instructions to a lessee to direct particular cars to particular repair facilities.
7. Please produce all documents (a) consisting of, discussing, or describing plans for retrofitting tank cars; and (b) discussing or describing the actual or anticipated impacts of Item 55-C or similar charges imposed by other railroads on plans for retrofitting tank cars.
8. Please produce all documents (other than routine transactional documents and lease agreements) that refer to, relate to, or consist of:
- a) communications with lessees or potential lessees regarding (i) their ability to negotiate zero-mileage rates, (ii) the practice of negotiating zero-mileage rates, (iii) the obligation of railroads to pay mileage allowances, or (iv) the lease rates you would charge depending on whether lessee negotiates zero mileage rates or rates that include the payment of mileage allowances.
 - b) studies, analyses or reports of (i) the relationship between mileage allowance levels and tank car ownership costs, or (ii) compensation paid by railroads for use of private cars.
9. [Resolved]

10. For the period from 2005-2015, please produce
- a) all studies, analyses, or reports, other than studies, analyses, or reports related to individual lessees, regarding the cost of owning tank cars, as well as the extent to which those costs are reimbursed by lessees;
 - b) all studies, analyses, or reports, other than studies, analyses, or reports related to individual lessees, regarding the cost of maintaining tank cars, as well as the extent to which those costs are reimbursed by lessees;
 - c) documents sufficient to show your costs of owning tank cars, as well as the extent to which those costs are reimbursed by lessees; and
 - d) documents sufficient to show your costs of maintaining tank cars, as well as the extent to which those costs are reimbursed by lessees.
11. Please produce all documents that refer or relate to the development of “Lessor Cost” for purposes of the Section 3 of Agreement approved in *Investigation of Tank Car Allowance System*, Ex Parte No. 328.
12. Please produce all lease agreements for tank cars You leased to the 35 shippers identified in Attachment A, since January 1, 2001, including all riders and any other documents referenced in or attached to each lease agreement.
13. Please produce documents sufficient to show the average lease rate for tank cars, by car type, for cars You leased to Lessees in each month from 2001 through the present, including documents sufficient to show whether those lease rates presumed railroad payments of mileage allowances.

Attachment A

List of 35 Shippers for RFP 12

1. Ag Processing
2. Agrium
3. Archer Daniels Midland
4. Axiall
5. BASF
6. Bayer AG
7. Bunge
8. Calumet Specialty Products Partners
9. Celanese
10. CF Industries
11. CVR Energy
12. Dow Chemical
13. Eastman Chemical
14. Eco Energy
15. Eco Services Operations
16. ExxonMobil
17. Formosa Plastics USA
18. Freeport McMoRan
19. Great Northern Midstream
20. Green Plains, Inc.
21. Hess
22. Koch Industries
23. Keyera
24. NGL Energy
25. Occidental Petroleum
26. Olin
27. Phillips 66
28. Plains All American Pipeline
29. Shell North America
30. Shintech
31. Simplot
32. Tesoro
33. Tyson Foods
34. Valero Energy
35. Western Refining

2. Responsive documents that are confidential or highly confidential may be produced under the terms of the Board's February 11, 2016 Protective Order in the above-captioned proceeding.

3. You are required to produce all responsive documents in Your possession, custody, or control.

4. Unless a different time period is specified, you are required to produce responsive documents created on or after January 1, 2001.

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8. "Repair Facility" means any facility that cleans, lines, relines, maintains, modifies, repairs, or retrofits tank cars.

9. “Union Pacific” means Union Pacific Railroad Company, and includes its predecessors.

10. “You” refers to Trinity, as well as its parents, subsidiaries, affiliates, employees, agents, and all others acting (or who have acted) on its behalf.

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 - d) documents, by lessee and by car mark, sufficient to show empty repair mileage charges billed to and collected from lessees, or to show where you have waived billing or collection; and
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9. [Resolved]

10. For the period from 2005-2015, please produce
- a) all studies, analyses, or reports, other than studies, analyses, or reports related to individual lessees, regarding the cost of owning tank cars, as well as the extent to which those costs are reimbursed by lessees;
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11. CVR Energy
12. Dow Chemical
13. Eastman Chemical
14. Eco Energy
15. Eco Services Operations
16. ExxonMobil
17. Formosa Plastics USA
18. Freeport McMoRan
19. Great Northern Midstream
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21. Hess
22. Koch Industries
23. Keyera
24. NGL Energy
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1. "Document" means all types of documents that are subject to discovery under the Board's rules at 49 C.F.R. § 1113.2(b)(2). "Document" includes every copy of a document that is not identical to the original or any other copy.

2. "Identify" when used with respect to movements of a rail car means to state the waybill number, the date the movement began, the car number, the origin, the destination, the carriers in the route, any interchange points, and the total miles.

3. "Item 55-C" means Item 55-C in UP Tariff 6004.

4. "Lessee" means an entity that leases a tank car from the tank car's Owner.

5. "Mileage Allowance" means compensation paid pursuant to the agreement initially approved in *Investigation of Tank Car Allowance Systems*, 3 I.C.C.2d 196 (1986).

6. "Mileage Equalization Charges" means charges imposed on tank car Owners pursuant to freight Tariff RIC 6007-Series.

7. "Owner" means the entity to which a tank car's reporting mark is assigned.

8. "Repair Facility" means any facility that cleans, lines, relines, maintains, modifies, repairs, or retrofits tank cars.

9. “Union Pacific” means Union Pacific Railroad Company, and includes its predecessors.

10. “You” refers to ARI, as well as its parents, subsidiaries, affiliates, employees, agents, and all others acting (or who have acted) on its behalf.

11. “Zero-Mileage Rates” means a rail transportation rate that does not provide for payment of a Mileage Allowance.

REQUESTS FOR PRODUCTION

1. Please produce (a) all documents discussing or describing the actual or anticipated impact of Item 55-C, and (b) all communications (other than routine transaction documents) to or from lessees or other car owners regarding Item 55-C.
2. For the period from 2008-2015, please produce:
 - a) documents, by car mark, sufficient to show mileage equalization payments to Railinc;
 - b) documents, by lessee and by car mark, sufficient to show excess empty mileage charges billed to and collected from lessees, or to show where you have waived billing or collection;
 - c) documents, by railroad, sufficient to show empty repair mileage payments to railroads other than Union Pacific;
 - d) documents, by lessee and by car mark, sufficient to show empty repair mileage charges billed to and collected from lessees, or to show where you have waived billing or collection; and
 - e) all studies, analyses, or reports regarding the costs of moving empty tank cars.
3. For the period from January 1, 2013 through December 31, 2015, please produce documents sufficient to identify each movement of a tank car for which You were the Owner to a Repair Facility, the work performed at the Repair Facility, and the reason for each movement.
4. Please produce documents sufficient to show for each car reporting mark, for tank cars for which you were the Owner, separately for each year from 2009 through 2015:
 - a) The number of loaded miles the cars moved on railroads other than Union Pacific;
 - b) The number of empty miles the cars moved on railroads other than Union Pacific, excluding mileage for empty cars moving on revenue billing;

- c) The number of empty miles cars moved on revenue billing on railroads other than Union Pacific;
 - d) The number of empty miles on Union Pacific associated with the cars' movements to or from Repair Facilities;
 - e) The number of empty miles on railroads other than Union Pacific associated with the cars' movements to or from Repair Facilities;
 - f) The number of empty miles on Union Pacific associated with the cars' movements from Repair Facilities to other Repair Facilities;
 - g) The number of empty miles on all railroads associated with the cars' movements from Repair Facilities to other Repair Facilities;
 - h) The number of empty movements to Repair Facilities on Union Pacific or a Class III railroad that interchanged with Union Pacific; and
 - i) The number of empty movements to Repair Facilities on all railroads.
5. Please produce all contracts with Repair Facilities to which You have directed tank cars since January 1, 2013.
6. Please produce all documents discussing Item 55-C or similar charges by other railroads in connection with your instructions to a lessee to direct particular cars to particular repair facilities.
7. Please produce all documents (a) consisting of, discussing, or describing plans for retrofitting tank cars; and (b) discussing or describing the actual or anticipated impacts of Item 55-C or similar charges imposed by other railroads on plans for retrofitting tank cars.
8. Please produce all documents (other than routine transactional documents and lease agreements) that refer to, relate to, or consist of:
- a) communications with lessees or potential lessees regarding (i) their ability to negotiate zero-mileage rates, (ii) the practice of negotiating zero-mileage rates, (iii) the obligation of railroads to pay mileage allowances, or (iv) the lease rates you would charge depending on whether lessee negotiates zero mileage rates or rates that include the payment of mileage allowances.
 - b) studies, analyses or reports of (i) the relationship between mileage allowance levels and tank car ownership costs, or (ii) compensation paid by railroads for use of private cars.
9. [Resolved]

10. For the period from 2005-2015, please produce
 - a) all studies, analyses, or reports, other than studies, analyses, or reports related to individual lessees, regarding the cost of owning tank cars, as well as the extent to which those costs are reimbursed by lessees;
 - b) all studies, analyses, or reports, other than studies, analyses, or reports related to individual lessees, regarding the cost of maintaining tank cars, as well as the extent to which those costs are reimbursed by lessees;
 - c) documents sufficient to show your costs of owning tank cars, as well as the extent to which those costs are reimbursed by lessees; and
 - d) documents sufficient to show your costs of maintaining tank cars, as well as the extent to which those costs are reimbursed by lessees.
11. Please produce all documents that refer or relate to the development of “Lessor Cost” for purposes of the Section 3 of Agreement approved in *Investigation of Tank Car Allowance System*, Ex Parte No. 328.
12. Please produce all lease agreements for tank cars You leased to the 35 shippers identified in Attachment A, since January 1, 2001, including all riders and any other documents referenced in or attached to each lease agreement.
13. Please produce documents sufficient to show the average lease rate for tank cars, by car type, for cars You leased to Lessees in each month from 2001 through the present, including documents sufficient to show whether those lease rates presumed railroad payments of mileage allowances.

Attachment

List of 35 Shippers for RFP 12

1. Ag Processing
2. Agrium
3. Archer Daniels Midland
4. Axiall
5. BASF
6. Bayer AG
7. Bunge
8. Calumet Specialty Products Partners
9. Celanese
10. CF Industries
11. CVR Energy
12. Dow Chemical
13. Eastman Chemical
14. Eco Energy
15. Eco Services Operations
16. ExxonMobil
17. Formosa Plastics USA
18. Freeport McMoRan
19. Great Northern Midstream
20. Green Plains, Inc.
21. Hess
22. Koch Industries
23. Keyera
24. NGL Energy
25. Occidental Petroleum
26. Olin
27. Phillips 66
28. Plains All American Pipeline
29. Shell North America
30. Shintech
31. Simplot
32. Tesoro
33. Tyson Foods
34. Valero Energy
35. Western Refining