

236291

Surface Transportation Board
Washington, D.C. 20423-0001

Office of Economics

ENTERED
Office of Proceedings
July 8, 2014
Part of
Public Record

June 30, 2014

Mr. Garrett D. Urban
Assistant General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241

Dear Mr. Urban:

You represent Norfolk Southern Corporation in the *Rail Transportation of Grain, Rate Regulation Review*, Docket No. EP 665 (Sub-No. 1). We are in receipt of your email dated June 27, 2014 seeking permission to review NGFA'S study resulting from their filing as part of your participation in this proceeding. Your request has been approved. In addition, you are hereby granted authority to review any other study results in this proceeding.

The studies being reviewed may contain confidential shipper and railroad data. As a result, these studies may contain commercially sensitive data and may have the potential for competitive harm to railroads, including third-party railroads. These study results may be accessed only by employees of your firm in this proceeding, have a need to know, review, or handle the confidential material for purposes of the proceeding, including testifying and consulting experts, provided each such person has been given and has read a copy of this letter, agrees to be bound by its terms, and executes the attached undertaking prior to receiving access to these study results.

Therefore, the following agreement must be signed before these study results can be released.

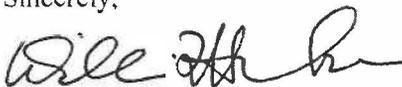
Your signature acknowledges your agreement to comply with the following:

1. You are hereby granted authority to review NGFA's study results as well as any other study results in this proceeding.
2. These study results may be disclosed only to Norfolk Southern Corporation's counsel of record in this proceeding, and to those individuals working with or assisting such counsel who are not regular employees of the party and have a need to know, review, or handle these study results for purposes of the proceeding, including testifying and consulting experts, provided each such person has been given and has read a copy of this Protective Order, agrees to be bound by its terms, and executes the attached Undertaking for these study results prior to receiving access to such materials.

3. These study results shall be used by Norfolk Southern Corporation solely for the purpose of this proceeding and any judicial review proceeding arising therefrom, and not for any other business, commercial, or competitive purpose.
4. All copies of these study results must be destroyed at the completion of this proceeding and any judicial review proceeding arising therefrom.
5. Violations of this protective order are subject to sanctions by the Board under 49 C.F.R. § 1244.9(g).
6. Egregious violations of this protective order, as determined by the Board, may be subject to sanctions including, but not limited to, disbarment from representing or presenting evidence on behalf of any client in any Board proceeding or matter for a period of time determined by the Board.
7. Improper disclosure of these study results is also subject to civil penalties under 49 U.S.C. § 11904.

We would appreciate your signing and returning this agreement as soon as possible.

Sincerely,



William F. Huneke
Director & Chief Economist

Agreed:

Norfolk Southern Corporation
Company


Signature

Mr. Garrett D. Urban
Name - Please Print

Assistant General Attorney
Title

6/30/2014
Date

I have read and understand the conditions for release of NGFA's study results as well as any other study results in this proceeding. I agree to comply fully with these conditions and the provisions of this confidentiality agreement. At the conclusion of this proceeding, *Rail Transportation of Grain. Rate Regulation Review*, Docket No. EP 665 (Sub-No. 1), and any judicial appeal, I will not share information pertaining to these filings. I understand that failure to adhere to these rules may prevent me or my corporation from receiving any future release of Waybill Information and or data from the STB. I further understand that violations of the agreement are subject to sanctions by the Board and civil penalties.

Norfolk Southern Corporation
Company



Signature

Mr. Garrett D. Urban

Name - Please Print

Assistant General Attorney

Title

6/30/2014

Date