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ENTERED
Office of Proceedings
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Part of
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June 15, 2016

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

Re: Finance Docket 36042, *Petition for Declaratory Order*

Dear Ms. Brown:

Norfolk Southern Railway (NSR) is in receipt of the above-captioned petition and will soon be filing a response which will make it clear that the appropriate Board action is to dismiss this Petition. There is no need for the Board to address the matter on an expedited basis or to alter the default procedural schedule that applies pursuant to the Board's rules for such proceedings.

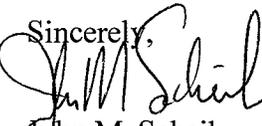
As acknowledged in the Petition, C.L. Consulting and Management Corp. (CLC) and NSR are involved in a garden-variety dispute over demurrage and storage charges in a lawsuit now pending in U.S. District Court for the District of New Jersey. As is so often the case, CLC would like to participate in the national rail transportation network but not be responsible for its use of railcars. The Board is well aware of this phenomenon. *See Ex Parte 707, Demurrage Liability* (Apr. 9, 2014). NSR had to bring suit in U.S. District Court to recover charges, including those mandated by 49 U.S.C. 10746.

CLC had previously asked the U.S. District Court to refer certain issues to the Board. The U.S. District Court denied the request, pointing out that the dispute was a routine demurrage dispute, the court was well-suited to resolve the issues, and therefore referral under the doctrine of primary jurisdiction was unnecessary. The Petition is CLC's attempt to end-run the U.S. District Court's decision.

Because the court has already determined that referral to the Board was unnecessary, there is also no reason to expedite this matter or alter the default procedural schedule. Pursuant to the Board's rules, NSR has 20 days to respond to the Petition, which NS will do. 49 C.F.R.

1104.13(a). CLC has no right to reply to NSR's reply. 49 C.F.R. 1104.13(c). No alternative schedule is necessary. NSR's reply is due June 30, and it will file on or before that date.

Thank you for your consideration.

Sincerely,

John M. Scheib

cc: Richard H. Streeter