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VIA E-Filing

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Finance Docket No. 32760 (Sub-No. 46), BNSF Railway Company –
Terminal Trackage Rights – The Kansas City Southern Railway Company and
Union Pacific Railroad Company

Dear Ms. Brown:

CITGO Petroleum Corporation (“CITGO”) respectfully submits this letter to briefly respond to several assertions relating to the outstanding discovery disputes contained in Kansas City Southern Railway’s (“KCSR”) letter dated March 16, 2015.

First, although KCSR’s letter appears to suggest that it has communicated with counsel for CITGO in an attempt to resolve the outstanding discovery disputes, that is simply not the case. As noted in CITGO’s Reply to the KCSR motion to compel, KCSR did not contact CITGO with respect to its objections to discovery, not even to obtain clarification of what KCSR apparently believed was an inconsistent response relating to the track capacity of CITGO’s facility.

Second, KCSR’s complaint that CITGO is attempting to “unilaterally” determine what information is relevant by objecting to some of KCSR’s discovery requests is just plain silly. CITGO has objected to certain discovery requests because it believes them to be both unduly burdensome and beyond the bounds of relevance in this proceeding. The assertion of objections in good faith is not tantamount to a “unilateral” determination of relevance. Indeed, the assertion

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of objections as a means of challenging burdensome, overbroad or irrelevant discovery is exactly the mechanism provided for in the Board's Rules of Practice.

Third, KCSR argues that the Board should compel broad and burdensome discovery relating to a "competitive analysis" that KCSR desires to undertake without determining whether such an analysis is relevant to the public interest in this proceeding. In doing so, KCSR appears to be suggesting that the Board allow discovery without regard to scope and then sort out what may be relevant later. In other words, it appears that KCSR is seeking to unilaterally determine the scope of discovery. More to the point, KCSR does not deny that it seeks to offer its competitive analysis in order to attempt to show that the proposed BNSF service to CITGO is not in the public interest, despite the Board's prior determination that BNSF service at Lake Charles is in the public interest. As a result, the dispute among the parties about the scope of the public interest prong in this case is inextricably tied to the scope of permissible discovery.

For the above stated reasons, CITGO respectfully requests that the Board rule on the motions to compel.

Very truly yours,



Edward D. Greenberg

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