

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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 CARGILL INCORPORATED,)	Docket No. NOR 42144
)	
Complainants,)	
)	
v.)	
)	
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	
)	

**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME OF UNION TANK
CAR COMPANY, GATX CORPORATION, TRINITY INDUSTRIES, INC., AND
AMERICAN RAILCAR INDUSTRIES, INC.**

Pursuant to 49 C.F.R. § 1104.7(b), Union Tank Car Company, GATX Corporation, Trinity Industries, Inc., and American Railcar Industries, Inc., each of whom is associated with the North America Freight Car Association (“NAFCA”) (collectively referred to herein as “NAFCA Member Companies”) respectfully request that the Board extend the due date for the filing of replies to Union Pacific Railroad Company’s (“UP’s”) Petition for Subpoenas (“Petition for Subpoenas” or “Petition”) by 14 days from June 6, 2016 to June 20,

2016.¹ In support thereof, NAFCA Member Companies state as follows:

(1) UP's Petition for Subpoenas was filed on May 17, 2016. UP's Petition requests that the Board issue subpoenas, consisting of identical requests for production of documents from each of the NAFCA Member Companies. The requests seek extensive information from each of the NAFCA Member Companies, who are not parties to this proceeding.

(2) Issuance of subpoenas against non-parties is a rarely used remedy in STB proceedings.

(3) It has taken several days for NAFCA Member Companies to initially look into this matter and to retain appropriate counsel to represent them with respect to the individual subpoena requests.

(4) Under the Board's rules, the due date for replies to UP's Petition for Subpoenas is June 6, 2016. *See* 49 C.F.R. § 1104.13. NAFCA Member Companies respectfully request that the Board extend that due date by fourteen (14) days to June 20, 2017.

(5) NAFCA Member Companies request this extension in order to have sufficient time to fully review UP's Petition for Subpoenas, to conduct appropriate factual investigation, and to prepare and present any replies, as each of their interests may require.

¹ NAFCA Member Companies are not parties to this proceeding and do not believe their intervention is necessary in order to reply to UP's Petition for Subpoenas, but to the extent the Board believes otherwise, NAFCA Member Companies move for leave to intervene under 49 C.F.R. § 1112.4 for the limited purpose of responding to UP's Petition.

(6) It does not appear that the issuance of the short extension requested here will interfere with case scheduling or prejudice any party to this proceeding. Counsel for NAFCA Member Companies have discussed this Motion with counsel for UP and counsel for Complainants, and are authorized to report that UP and Complainants do not object to the Board's extension of the due date for NAFCA Member Companies' replies to June 20, 2017.

(7) Expedited action is requested here since the NAFCA Member Companies' replies are currently due by June 6, 2016.

WHEREFORE, for the reasons set forth above, NAFCA Member Companies respectfully request that the Board grant this Motion on an expedited basis.

Respectfully submitted,

/s/ _____
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Dated: May 27, 2016

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CERTIFICATE OF SERVICE

I hereby certify that this 27th day of May, 2016, I have caused copies of the foregoing to be served via first-class mail, postage prepaid, or by more expeditious means, upon all parties of record to this proceeding.

In addition, I have caused a copy of the foregoing 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/

Peter A. Pfohl