

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
August 2, 2012
Part of
Public Record

_____)
M&G POLYMERS USA, LLC)
)
Complainant,)
)
v.)
)
CSX TRANSPORTATION, INC.)
)
Defendant.)
_____)

Docket No. NOR 42123

**SECOND MOTION TO COMPEL
OF M&G POLYMERS USA, LLC**

Pursuant to 49 CFR § 1114.31(a), Complainant M&G Polymers USA, LLC (“M&G”), hereby moves the Surface Transportation Board (“STB” or “Board”) to compel CSX Transportation, Inc. (“CSXT”) to supplement (i.e., update) certain discovery responses in the above-captioned proceeding. M&G has not submitted any new discovery requests to CSXT. Rather, M&G has asked CSXT to update its responses to certain of M&G’s original discovery requests that are now over two years out of date. CSXT unjustifiably has objected to M&G’s request as premature, overbroad, and unduly burdensome. The Board should grant this Second Motion to Compel (“Motion”) in order to minimize further delays to this already long-delayed proceeding.

I. BACKGROUND

M&G filed its Complaint on June 18, 2010, well over twenty-five (25) months ago. In the discovery process, CSXT based most of its responses upon the time period from January 1, 2008 through June 2010. M&G accepted this limitation as reasonable given that discovery was

discovery was to close on December 15, 2010 and the submission of evidence on both market dominance and rate reasonableness would begin just a few months later.

But, the timely progression of this case dramatically changed on May 6, 2011 – less than two months before M&G’s opening evidence was due – when the Board granted CSXT’s motion to bifurcate the proceeding into separate market dominance and rate reasonableness phases.¹ In response to the Board’s bifurcation decision, M&G and CSXT filed evidence on market dominance during the summer of 2011. Approximately one year after that record closed with the filing of M&G’s rebuttal evidence on August 4, 2011, the Board has yet to issue a market dominance decision. Moreover, it has been more than thirteen (13) months since M&G was to have filed its opening SAC evidence.

Much of the information, and many of the documents, previously produced by CSXT through mid-2010 are now outdated and/or have been superseded by over two years of additional CSXT data. Therefore, on July 13, 2012, M&G sent a letter to CSXT asking CSXT to supplement its responses to selected SAC-related discovery requests with more up to date information. See Exhibit 1.² CSXT declined M&G’s request in a letter dated July 23, 2012, though CSXT did say that, after the Board issues its market dominance decision, “CSXT...[would be] willing to discuss with M&G whether and to what extent any additional discovery may be necessary or appropriate.” See Exhibit 2, p. 2. Because CSXT’s position will

¹ Although M&G initially opposed CSXT’s bifurcation motion, M&G withdrew its objection in a April 15, 2011 filing because the Board had granted a nearly identical CSXT motion, involving the same commodity type, in Total Petrochemicals & Refining USA, Inc. v. CSX Transp. Inc., Docket No. NOR 42121 (served April 5, 2011). Rather than suffer further delay while waiting for the Board’s inevitable decision to also bifurcate this proceeding, M&G acquiesced in CSXT’s motion in order to minimize the delay in progressing its case. CSXT’s attempt to portray M&G’s withdrawal of opposition to CSXT’s bifurcation motion as support for that motion is disingenuous. See Exhibit 2, p. 1.

² The specific discovery requests that are referenced in Exhibit 1 are attached as Exhibit 3.

subject M&G to substantial prejudice through further delays, M&G has filed this Motion to Compel.

II. SUMMARY OF ARGUMENT

Development of rate reasonableness evidence under the Stand-Alone Cost (“SAC”) method depends upon significant discovery from the defendant railroad. This discovery consists of, among other things, traffic, revenue, and cost data, including forecasts for future periods. In the instant case, the most current information received by M&G in discovery is now over 25 months old. For an accurate calculation of the reasonable rail rates in the lanes at issue, updating is necessary. Forecasts must be replaced with actual data, where historical data now exists; old forecasts must be replaced by more recent forecasts; and the most recent cost, traffic, and revenue information should be produced.

Precedent shows that the Board prefers actual data and updated figures, and this guideline should be followed where, as in this case, the discovery data is over two years old. Supplementation should occur now, instead of waiting until after the Board releases its market dominance decision, to mitigate the delays in this already lengthy proceeding.

M&G already has been greatly prejudiced by a delay of a year in obtaining a market dominance decision. Once the Board issues its market dominance decision, the preparation and submission of SAC evidence, final briefs, and a final Board decision will require at least 18-22 additional months. If M&G must wait until the Board finally issues a market dominance decision before obtaining supplemental discovery responses from CSXT, there would be a further delay of several additional months before M&G received, and could evaluate, CSXT’s supplemental responses. That delay is far more prejudicial to M&G than the potential burden to CSXT from supplementing its discovery responses. Therefore, the Board should compel CSXT

to supplement its discovery responses with updated information for the discovery requests listed in M&G's July 13, 2012 letter to CSXT counsel. See Exhibit No. 1.

III. LEGAL STANDARD

Discovery is proper when it deals with “any matter, not privileged, which is relevant to the subject matter involved in a proceeding.” 49 CFR § 1114.21(a)(1). “The requirement of relevance means that the information might be able to affect the outcome of a proceeding.” Waterloo Railway Company – Adverse Abandonment – Lines of Bangor and Aroostook Railroad Company and Van Buren Bridge Company In Aroostook County, Maine, STB Docket No. AB-124 (Sub-No. 2), slip op. at 2 (served Nov. 14, 2003).

The Board has long recognized that discovery is a crucial part of a rate reasonableness case. Coal Rate Guidelines, Nationwide, 1 ICC2d 520, 548 (1985) (“We recognize that shippers may require substantial discovery to litigate a case under CMP, and we are prepared to make that discovery available to them.”). In order to give effect to shippers’ need for information, the Board will grant a motion to compel if it is “reasonably drawn.” Id.

When a party does not fully respond to discovery requests, a motion to compel may be filed. 49 CFR § 1114.31. See also Guidelines, 1 ICC2d at 548. In SAC cases, a reply to a motion to compel must be filed within ten (10) days, and the Director of the Office of Proceedings issues a decision on an expedited basis. 49 CFR § 1114.31(a).

The Board’s regulations impose an affirmative duty on parties to supplement their discovery responses in certain scenarios. See 49 CFR §§ 1114.29(a) and (b). To the extent that any of CSXT’s earlier discovery responses are incorrect, CSXT must supplement them under § 1114.29(b). In addition, the Board can order CSXT to supplement its responses, as requested in this Motion, pursuant to § 1114.29(c) and/or § 1114.31.

IV. ARGUMENT

A. Supplementation is necessary

CSXT's discovery responses covered a time period that ended in June 2010. Given the significant passage of time during the market dominance phase of this case, the most current information produced by CSXT in discovery is now well over two years old. While some time lag is inevitable in a SAC case due to the need to prepare evidentiary filings based on a defined universe of data, the 25-month time lag that currently exists is unreasonable. CSXT now has over two additional years of actual traffic and revenue data in its possession, untold additional cost data, new forecasts, and other information that supersedes and/or supplements the previously-provided discovery responses.

M&G has asked CSXT to update its responses to the discovery requests identified in Exhibit No. 1 so that the parties may base their SAC evidence on the most accurate and current data that is reasonably available. The specific discovery requests for which M&G seeks supplementation are requests to which CSXT has already responded; M&G is not making any new requests. The only difference is the time period covered by the requests. CSXT has not, and cannot, object to the relevance or discoverability of this type of information because CSXT has already responded to those requests through June 2010.

Precedent has established that the Board prefers actual data and updated figures where possible. Duke Energy Corporation v. CSX Transportation, Inc., 7 STB 402, 446 (2004) (Board states that updating of the record is appropriate where "traffic data from prior years is clearly ascertainable"). Thus, supplementation with updated information is clearly warranted in M&G's case, too.

CSXT itself recently asserted to the Board that there is a “fundamental need for accurate base-year traffic volumes as the foundation for a sound SAC analysis.” CSXT Reply Evidence at III-A-33 (filed Jan. 19, 2010) in Seminole Electric Cooperative Corporation v. CSX Transportation, Inc., STB Docket No. 42110. CSXT also stated that “the best and most accurate methodology is to avoid the use of projections altogether and use actual CSXT traffic data.” *Id.* at III-A-37. The principles espoused by CSXT in the Seminole case – use of actual data wherever reasonably possible – are identical to those that M&G is pursuing with this Motion.

Indeed, CSXT does not seriously contest that supplementation of its discovery responses would be necessary and appropriate at some point, just not now.³ Nevertheless, CSXT has hedged its position by refusing even to acknowledge that supplementation is necessary or required. Rather, CSXT has stated that, after the Board issues its market dominance decision, “CSXT...[would be] would be willing to discuss...whether and what extent any additional discovery may be necessary or appropriate.” See Exhibit 2, p. 2. The Board should clearly declare that CSXT is required to supplement its discovery responses. For the reasons discussed in the following section, the Board also should declare that CSXT must do so now.

B. CSXT’s objections are unwarranted.

Despite the logical basis of M&G’s supplementation request, CSXT refused. See Exhibit No. 2. The reasons given by CSXT in its July 23, 2012 letter are that the request is “premature, overbroad, and would require CSXT to devote substantial time and resources to an effort that

³ CSXT, however, makes a passing assertion that M&G’s request “would not be appropriate or warranted even if the Board were to find it had jurisdiction over every movement,” because the “scope of time” covered by the Motion “is substantially broader than the time scope upon which the parties previously agreed.” Exhibit No. 2 at p. 2 (n. 1). Of course the time scope is different: M&G is asking CSXT to update its responses due to the immense passage of time since discovery. This is the whole point of M&G’s request, as explained at length in M&G’s letter and in this Motion. CSXT’s assertion is as banal as it is bizarre.

ultimately may be largely, or even entirely, unnecessary.” Exhibit 2 at p. 1-2. These objections can be easily dismissed.

1. Supplementation is not premature

Although CSXT has posited three objections, they all derive from the same core objection: that M&G’s request is premature. Specifically, CSXT alleges that M&G’s request “may well be substantially overbroad and seek information that will be rendered irrelevant by the Board’s market dominance determination,” Exhibit No. 2 at p. 2, and therefore, CSXT should not be required to “undertake the substantial burden that would be required to comply with M&G’s new requests.” *Id.* In other words, CSXT contends that M&G’s supplementation request is premature until the Board issues its market dominance decision.

The Board must “establish procedures to ensure expeditious handling of challenges to the reasonableness of railroad rates.” 49 USC § 10704(d). See also 49 USC § 10101(15) (the Board must “provide for the expeditious handling and resolution of all proceedings”). The Board’s decision to bifurcate this proceeding and the extended time period that it has taken to issue a market dominance decision, are clearly testing the bounds of this Congressional mandate. Waiting until after the market dominance decision is released to supplement discovery responses would cause needless additional delay in this already lengthy proceeding. Therefore, the Board should take whatever steps it can now to minimize the impact of, and potential for, any further delays by ordering CSXT to promptly supplement its discovery responses with updated information for the discovery requests listed in M&G’s July 13, 2012 letter to CSXT counsel. See Exhibit No. 1.

Updating CSXT’s discovery responses now is appropriate so that M&G can begin the process of reviewing and evaluating CSXT’s supplemental responses in developing the stand-

alone railroad (“SARR”). As the Board knows, the SAC test of rate reasonableness consists of a series of complicated and interdependent calculations that require considerable time and effort. See, e.g., Rate Regulation Reforms, STB Ex Parte No. 715, slip op. at 9 (served July 25, 2012). The sooner M&G can obtain supplemental responses from CSXT prior to the Board’s market dominance decision, the less time that M&G will require after that decision to develop its opening SAC evidence. Denial of this Motion means that such discovery (and all analysis) would occur after the Board’s market dominance decision, thereby adding several months to the procedural schedule.

2. CSXT overstates its potentially avoidable burden.

Furthermore, CSXT grossly overstates its *potentially* avoidable burden *if* the Board ultimately determines that CSXT does not possess market dominance over a large number of the issue movements. CSXT has only challenged its market dominance over 43 of the 69 lanes at issue in this proceeding. In other words, there are, at the very least, 26 lanes that will progress to the rate reasonableness phase of the case. For those 26 lanes, the request for supplementation of discovery data that is well over two years old is by no means “premature.”

Moreover, M&G’s discovery requests are not lane-specific. See Exhibit No. 1. M&G seeks supplementation of discovery requests that apply generally to CSXT’s traffic, revenue, cost, and other data. In most instances, the same information that is responsive to the 26 lanes where market dominance is already established also will be responsive to the other 43 lanes where CSXT has contested market dominance.

Because many of M&G’s discovery requests apply to the “SARR States,” presumably CSXT contends that the number of SARR States could decline based upon the Board’s market dominance decision. There are 26 issue movements, however, over which CSXT has not

contested its market dominance.⁴ Those 26 movements, alone, originate or terminate on CSXT in 9 of the 20 SARR States.⁵ Furthermore, their routes cross another 8 SARR States.⁶ Therefore, even if the Board failed to find market dominance for every single contested movement, the scope of M&G's discovery requests would be reduced by just 3 SARR States, Louisiana, Mississippi, and New York.⁷ Consequently, the only *potential* discovery burden that CSXT *might* avoid by waiting for the Board's market dominance decision *might* be production as to just those three states.

Thus, the "substantial burden" claimed by CSXT will have to be borne at some point, regardless of the Board's market dominance decision. It is not the avoidable burden that CSXT would have this Board believe. Consequently, granting the Motion now would cause little or no additional burden to CSXT.

3. M&G's burden far outweighs any burden to CSXT.

Ultimately, CSXT's objections should be resolved by a balancing of the burdens to each party. As noted in the previous section, CSXT's potential additional burden from updating its discovery responses now rather than after the Board's market dominance decision is virtually non-existent.

Whatever burden CSXT might incur due to the alleged "premature" nature of M&G's supplementation request pales in comparison to the \$60,000 tariff premium that M&G continues

⁴ The 26 uncontested movements are Lanes A-2, 3, 6, 7, 9, 12, 13, 15, 16 and 18; Lanes B-12, 13, 17, 23, 27-29, 31, 38, 42-47, and 52.

⁵ The 9 SARR States are AL, FL, GA, IL, NJ, OH, SC, TN, and WV.

⁶ The 8 SARR States are DC, DE, IN, KY, MD, NC, PA, and VA.

⁷ With respect to Louisiana and Mississippi, M&G would have to lose market dominance as to all five case lanes that interchange with CSXT at New Orleans for those SARR States no longer to be relevant.

to pay every week that this case is pending just for the right to seek a reasonable rate.⁸ While M&G's so-called "ante" grows with each day that this case is pending, its potential recovery does not. In other words, as this case drags out, M&G's risks continue to grow larger without any corresponding increase in the potential reward. Rather, CSXT reaps the entire benefit of M&G's growing "ante" because it retains *all* of M&G's tariff premium if M&G loses this case. Furthermore, even if M&G ultimately prevails in this proceeding on every single movement, CSXT will have had a virtually interest free loan from M&G for the duration of the case, which now appears likely to stretch to at least 4, and perhaps 5, years, instead of the 2-3 year historical average of more recent cases.⁹

M&G is further burdened by the deleterious effect on its strategic and business planning from having a major component of M&G's cost structure – rail transportation rates – remain uncertain for so many years. M&G operates in a competitive national and international marketplace with thin margins. Knowledge of transportation costs is crucial for M&G to properly plan its business strategy. When those costs are at an artificially high level such that M&G may be entitled to some unknown level of reparations at some unknown date in the future, as has been the case for well over two years now, M&G's ability to compete is compromised.

While M&G's burden is both definite and substantial, CSXT's alleged burden is speculative and minor. As noted in the preceding section, any potential reduction of CSXT's discovery burden by waiting until the Board's market dominance decision would be limited to information covering at most 3 out of 20 SARR States, and then only if the Board concludes that

⁸ M&G previously informed the Board that, under the challenged tariffs, M&G is paying approximately \$60,000 per week above the last CSXT contract rate offer (which M&G considered unacceptably high). See correspondence to Chairman Elliott, dated March 22, 2012.

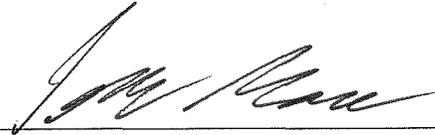
⁹ The Board's rules only require CSXT to pay interest on reparations at the T-Bill rate, which currently is 0.10%. 49 CFR § 1114.1(a).

CSXT lacks market dominance over all of the issue movements through those States. Therefore, the balance of the equities strongly favors M&G's request that CSXT supplement its discovery responses now, rather than after the Board's market dominance decision.

V. CONCLUSION

For the foregoing reasons, M&G respectfully requests that the Board order CSXT to supplement its discovery responses as described herein.

Respectfully submitted,



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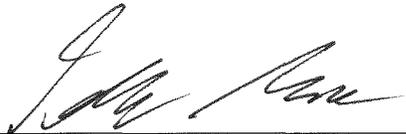
August 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that this 2nd day of August 2012, I served a copy of the foregoing upon counsel for defendant CSXT via e-mail and first class mail at the address below:

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Counsel for CSX Transportation, Inc.



Jeffrey O. Moreno

Exhibit 1

July 13, 2012

via electronic mail

G. Paul Moates
Paul A. Hemmersbaugh
Matthew J. Warren
Sidley Austin LLP
1501 K Street, N.W.
Washington D.C. 20005

RE: Docket No. NOR 42123, *M&G Polymers USA, LLC. v. CSX Transportation, Inc.*

Dear Paul:

I am writing to request that CSX Transportation, Inc. ("CSXT") supplement certain responses to the discovery requests served by M&G Polymers USA, LLC ("M&G") in the above-referenced proceeding.

As part of its discovery responses in this proceeding, CSXT produced essential information for the development of stand-alone cost ("SAC") evidence that covered a time period ending in June 2010. Subsequently, at CSXT's request, the Surface Transportation Board ("STB") bifurcated this proceeding so that it could decide market dominance issues prior to considering SAC issues. Consequently, most of 2011 and all of 2012 to date has been spent filing market dominance evidence and awaiting the STB's decision.

Meanwhile, over 2 years of additional SAC-related information, beyond June 2010, now exists. For example, CSXT now has actual traffic and revenue data for the balance of 2010, all of 2011, and a part of 2012, which would obviate the need to rely upon forecasts for those time periods. In addition, CSXT would have more recent internal forecasts that include years not covered by its forecasts that were available in June 2010. CSXT should produce such information to M&G so that both parties have access to, and are able to submit evidence based upon, the most current available information. Therefore, M&G requests that CSXT supplement its responses to the discovery requests identified in Attachment 1 to this letter by producing information covering the period from July 2010 to the present.

M&G does not consider it acceptable for CSXT to refuse to supplement its discovery responses until after the STB decides the market dominance issues. That would impose an unnecessary and unwarranted further delay upon a proceeding that should have been nearing its conclusion by now, and that presently is assured of dragging on for another 18 months or more. Waiting until the STB decides market dominance before supplementing discovery responses would only add several more months to this lengthy delay. Such additional delay is far more prejudicial to M&G than the burden to CSXT of immediately supplementing its discovery responses.

July 13, 2012
Page 2

M&G requests that, within one week from the date of this letter, CSXT inform M&G whether and when it will supplement its discovery responses as requested herein.

Sincerely,



Jeffrey O. Moreno

Enclosure

M&G v CSXT – Discovery Questions to be Updated

Interrogatory

<u>Number</u> (1)	<u>Topic</u> (2)
5	Description of each M&G movement
12	Road Train Information (Schedule/Routing, etc.)
13	Intermodal Terminal Information (Locations/Services, etc.)
14	Intermodal Train Information (Schedule/Routing, etc.)
15	Auto Distribution Center Information (Locations/Services, etc.)
16	Auto Train Information (Schedule/Routing, etc.)
17	TRANSFLO Terminal Information (Locations/Services, etc.)

RFP Number

Topic

18, 19	Density & operating statistics
20, 34, 36	Carload traffic and revenue
21, 22, 23	Train movement data
24	All studies, analyses, reports, or other documents that evaluate or report on CSXT's implementation and recent update of its "ONE Plan"
26	CSXT's GIS system that captures, stores, analyzes, manages and presents CSXT data that are linked by locations across the CSXT rail system.
29	CSXT Pricing Authorities
30	CSXT Carload Forecasts
31	All inflation and/or rail cost adjustment estimates or calculations in CSXT's possession or what CSXT prepared or caused to be prepared or purchase.
35	Link between information provided in response to RFP 34 and RFP's 20, 21, 22 & 23
42	Unplanned track and operations related outages in 2010 and 2011
43	Rail Traffic Controller ("RTC")
51, 52 & 53	Information related to locomotives used by CSXT in SARR states acquired subsequent to the time period included in CSXT's previous response to these RFP
59	Locomotive utilization
73, 75	Bills related to joint facility agreements in the SARR states for time periods subsequent to those included in CSXT's previous responses
89	Agreements with outside contractors related to locomotive maintenance entered into subsequent to CSXT's previous response to this RFP
90	Items of expense included in CSXT 2010 and 2011 R-1 Annual Report, Schedule 410, col. c, lines 202, 403, 411

M&G v CSXT – Discovery Questions to be Updated

<u>RFP Number</u> (1)	<u>Topic</u> (2)
93	Wage Forms A&B for 2010 and 2011
96	Personnel recruiting costs for time periods subsequent to those included in CSXT's previous response to this RFP
98	Bills for services from contractors performing maintenance of way or construction projects in the SARR states for time periods subsequent to those included in CSXT's previous response to this RFP
99	Personnel training costs for time periods subsequent to those included in CSXT's previous response to this RFP
100	Ad Valorem taxes for 2010 and 2011
101	Loss and damage costs for all commodities for 2010 and 2011
104	Maintenance of way equipment leases entered into subsequent to those included in CSXT's previous response to this RFP
105	Any amendments or revisions to operating agreements between CSXT and CSXI, TDSI, TRANSFLO, CSX Technology or CSX Corporation subsequent to the information provided by CSXT in response to this RFP. In addition, any new agreements between CSXT and these entities entered into subsequent to the time period included in CSXT's previous response to this RFP
108	Information related to bills and invoices from CSXT to CSXI, TDSI and TRANSFLO for rail related transportation subsequent to the time period included in CSXT's previous response to this question.
112, 113, 114	All costs and units related to operating facilities shown in RFP 112, including but not limited to lift and ramp costs at intermodal facilities and auto handling costs at auto distribution facilities
119	Rail testing & track geometry costs
151	CSXT's Federal Tax Returns
153	CSXT GIS data
154	A copy of or access to the CSX Track Chart and Engineering Information System or any replacement system
155	Computer-readable data
156	CSXI Pricing Authorities
157	CSXI Intermodal Forecasts
163	Specific RTC files created since 1/1/00

Exhibit 2



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SYDNEY
TOKYO
WASHINGTON, D.C.

FOUNDED 1866

July 23, 2012

Jeffrey O. Moreno
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Washington, D.C. 20036

Re: M&G Polymers USA LLC v. CSX Transportation, Inc. STB Dkt. No. 42123

Dear Jeff:

We write in response to your July 13 letter to us concerning the above-captioned matter, wherein you request that CSX Transportation (“CSXT”) search for and produce to Complainant M&G a large volume of new data and information. *See* J. Moreno Letter to G. Paul Moates et al (July 13, 2012). As you know, the Surface Transportation Board is presently considering Market Dominance evidence submitted by the parties, and is holding further proceedings in this matter in abeyance until after the Board issues a ruling on market dominance, including which challenged rates are subject to the Board’s rate reasonableness jurisdiction. *See* Decision, *M&G v. CSXT*, STB Docket No. 42123 (May 6, 2011) (granting, *inter alia*, procedural schedule proposed by M&G).

Initially, your suggestion that the Board “bifurcated this proceeding so that it could decide market dominance issues prior to considering SAC issues” at CSXT’s sole request is not accurate. As you know, M&G *joined* CSXT in advocating a two-step process wherein the Board would decide threshold market dominance questions before the parties developed and submitted SAC evidence. *See M&G Polymers USA’s Withdrawal of Opposition to Bifurcation Request* at 1-2 (“M&G requests that the Surface Transportation Board [] decide the market dominance portion of this proceeding before rate reasonableness . . . [to] ensure that M&G does not unnecessarily expend time and effort on SAC evidence that ultimately would be wasted.”). Moreover, the Board established the procedural schedule that M&G requested for that process. It is thus incorrect to suggest that the Board “bifurcated” the evidence and established the current schedule at CSXT’s behest – M&G both supported such bifurcation and obtained the schedule it sought.

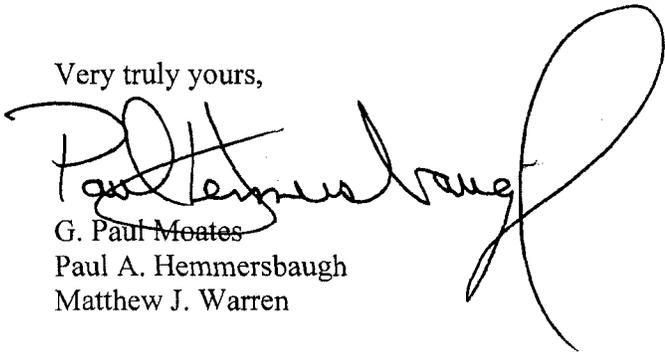
M&G’s request that CSXT “supplement” its discovery production before the Board issues a market dominance decision is premature, overbroad, and would require CSXT to devote substantial time and resources to an effort that ultimately may be largely, or even entirely,

Jeffrey O. Moreno
July 23, 2012
Page 2

unnecessary. As you know, CSXT contends that it lacks “market dominance” over transportation covered by a substantial majority of the rates M&G has challenged. If the Board were to agree and find that it lacks jurisdiction over those rates, the scope, nature, and parameters of any potential challenge to the remaining rates would be dramatically different. Accordingly, the broad additional SAC discovery that M&G now seeks – predicated on the notion that the challenged rates and lanes will remain essentially the same following the Board’s decision – may well be substantially overbroad and seek information that will be rendered irrelevant by the Board’s market dominance determination. At this juncture, therefore, CSXT declines to undertake the substantial burden that would be required to comply with M&G’s new requests.¹

After the Board rules and the parties have had a chance to review the Board’s decision and consider the nature and scope of any rate challenge that may remain, CSXT is willing to discuss with M&G whether and to what extent any additional discovery may be necessary or appropriate. Until then, however, CSXT declines to expend the substantial resources that would be required to produce the additional information M&G requested in its July 13 letter.

Very truly yours,



G. Paul Moates
Paul A. Hemmersbaugh
Matthew J. Warren

¹ We note that much of the additional discovery M&G requests would not be appropriate or warranted even if the Board were to find it had jurisdiction over every movement covered by the current version of M&G’s oft-amended Complaint. For example, the scope of time covered by M&G’s new requests is substantially broader than the time scope upon which the parties previously agreed.

Exhibit 3

BEFORE THE
SURFACE TRANSPORTATION BOARD

M & G POLYMERS USA, LLC)	
)	
Complainant,)	
)	
v.)	Docket No. NOR 42123
)	
CSX TRANSPORTATION, INC.)	
)	
Defendant.)	

COMPLAINANT'S FIRST REQUESTS
FOR ADMISSIONS, INTERROGATORIES,
AND REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT

Complainant M & G Polymers USA, LCC ("M&G"), pursuant to 49 U.S.C. §§ 10701, 10704, 10707, 11701 and 11704, and 49 C.F.R. Part 1114.30, hereby submits its First Requests for Admissions, Interrogatories, and Requests for Production of Documents to Defendant, CSX Transportation, Inc. ("CSXT").

Responses to the M&G Requests for Admissions, answers to Interrogatories, and copies of documents responsive to the M&G Requests for Production should be delivered to the offices of Thompson Hine LLP, 1920 N Street, N.W., Washington, D.C. 20036, by August 25, unless otherwise agreed by the parties. M&G is prepared to cooperate with CSXT to facilitate the expeditious production of documents with the minimum practical burden.

I. DEFINITIONS

The following defined terms are used herein:

1. "ACWR" means the Aberdeen, Carolina & Western Railway Company Railroad and/or its subsidiaries and affiliates.
2. "AF" means the Alabama & Florida Railway Company and/or its subsidiaries and affiliates.
3. "AGR" means the Alabama & Gulf Coast Railway LLC and/or its subsidiaries and affiliates.
4. "ALAB" means the Alabama Railroad Co. and/or its subsidiaries and affiliates.
5. "And," "or," and/or "each" shall be construed in the disjunctive or conjunctive as necessary in order to bring within the scope of each Interrogatory or Request all responsive information or documents which otherwise might be construed as outside the scope of the Interrogatory or Request. All use of the masculine gender shall be deemed to include the feminine.
6. "AO" means the Appalachian & Ohio Railroad Inc. and/or its subsidiaries and affiliates.
7. "AR" means the Aberdeen and Rockfish Railroad Company and/or its subsidiaries and affiliates.

8. "ATN" means the Alabama & Tennessee River Railway LLC and/or its subsidiaries and affiliates.

9. "Auto Rack Car(s)" means a flat car with fixed steel racks for transporting set-up automobiles and light trucks. Racks have either two or three levels, and are equipped with tie-down devices. Two-level cars are often called "bi-level" auto racks and three-level cars are called "tri-level" auto racks.

10. "Automotive Distribution Center" means one or more of the "36 auto distribution centers throughout the eastern U.S." as referred to at www.csx.com/?fuseaction=customers.auto.

11. "Automotive Train" means a freight train that consists primarily of Auto Rack Cars.

12. "BB" means the Buckingham Branch Railroad Company and/or its subsidiaries and affiliates.

13. "BPRR" means the Buffalo & Pittsburgh Railroad and/or its subsidiaries and affiliates.

14. "BSOR" means the Buffalo Southern Railroad, Inc. and/or its subsidiaries and affiliates.

15. "CALA" means the Carolina Southern Railroad and/or its subsidiaries and affiliates.

16. "CCRA" means the Camp Chase Industrial Railroad Corporation and/or its

subsidiaries and affiliates.

17. "CEIW" means the Central Indiana & Western Railroad Company and/or its subsidiaries and affiliates.

18. "CF" means the Cape Fear Railways, INC. and/or its subsidiaries and affiliates.

19. "CFE" means the Chicago, Ft. Wayne & Eastern, A Division of Central Railroad of Indianapolis, Inc. and/or its subsidiaries and affiliates.

20. "CFWR" means the Caney Fork and Western Railroad Inc. and/or its subsidiaries and affiliates.

21. "Challenged Rate(s)" means the single line and AAR Accounting Rule 11 rate(s) for common carrier rail transportation service that are identified in Exhibits A and B to M&G's Verified Complaint in this proceeding.

22. "CIND" means the Central Railroad Company of Indiana and/or its subsidiaries and affiliates.

23. "CKIN" means the Chesapeake & Indiana Railroad and/or its subsidiaries and affiliates.

24. "CNUR" means the C & NC Railroad Corp. and/or its subsidiaries and affiliates.

25. "Coal train" means any train that transports primarily loaded or empty coal cars, including a mine gathering or distribution run, a train carrying coal cars for more

than one customer, train carrying coal cars from more than one origin to single or more than one destination on one bill of lading or other shipping document.

26. "CUOH" means The Columbus & Ohio River Rail Road and/or its subsidiaries and affiliates.

27. "CSX" means the CSX Corporation, parent company to a network of subsidiaries defined below as "CSX's Rail-Based Transportation Services", as well as those subsidiaries listed in Definition No. 31..

28. "CSX Technology" means CSX Technology, Inc. and/or its subsidiaries and affiliates.

29. "CSXI" means CSX Intermodal, Inc. and/or its subsidiaries and affiliates.

30. "CSXT" means CSX Transportation, Inc., its present or former employees, agents, counsel, officers, directors, advisors, consultants, divisions, departments, predecessors, parent and/or holding companies, all subsidiaries identified on page 4 of CSXT's 2007 Annual Report Form R-1 that provide transportation and/or terminal services in the SARR States, or any of them, and all other persons acting (or who have acted) on its behalf.

31. "CSX's Rail-Based Transportation Services" (as defined in CSX's Form 10-K, filed February 19, 2010) includes CSXT, TDSI, TRANSFLO, CSX Technology, and CSXI.

32. "Destination(s)" means any of the rail stations or facilities where transportation of M&G rail shipments under the Challenged Rates terminates. For example, if the Challenged Rate only covers transportation to a point of interchange with another carrier for continued movement towards the final destination, the interchange would be the Destination. If the Challenged Rate, however, includes all or any portion of the transportation over a connecting carrier, the Destination would be the point at which the Challenged Rate no longer applies.

33. "Distributed power" means a train configuration in which one or more locomotives are positioned at the front of the train and one or more locomotives are positioned at an intermediate point in the train and/or at the rear of the train, with the intermediate or rear locomotives remotely controlled from the lead locomotive on the train.

34. "Document(s)" means all writings or visual displays of any kind, whether generated by hand or mechanical means, including, without limitation, photographs, lists, memoranda, reports, notes, letters, electronic mail, phone logs, contracts, drafts, workpapers, computer print-outs, computer tapes, telecopies, telegrams, newsletters, notations, books, affidavits, statements (whether or not verified), speeches, summaries, opinions, studies, analyses, evaluations, statistical records, proposals, treatments, outlines, any electronic or mechanical records or representations (including physical things such as, but not limited to, computer disks), and all other materials of any tangible medium or

expression, in CSXT's current or prior possession, custody or control. A draft or non-identical copy is a separate document within the meaning of this term.

35. "EARY" means the Eastern Alabama Railway and/or its subsidiaries and affiliates.

36. "ELKR" means the Elk River Railroad, Inc. and/or its subsidiaries and affiliates

37. "EPRY" means the East Penn Railways, LLC and/or its subsidiaries and affiliates.

38. "FCEN" means the Florida Central Railroad and/or its subsidiaries and affiliates.

39. "FCR" means the Folton County Railway and/or its subsidiaries and affiliates.

40. "GC" means the Georgia Central Railway and/or its subsidiaries and affiliates.

41. "GCK" means the Geroges Creek & Cumberland Railroad and/or its subsidiaries and affiliates.

42. "Geocoded" means process or object data associated to an entity which is linked to a specific location or an array of locations on the Earth's surface through a standard geographic coordinate system.

43. "Geographic Coordinates" means latitude and longitude coordinates (in

decimal values, with no decimal value truncation) associated to a named and standard geographic coordinate system, such as “North American Datum of 1927.”

44. "GMRY" means the Great Miami & Scioto Railway and/or its subsidiaries and affiliates.

45. "GNRR" means the Georgia Northeastern Railroad Company, Inc. and/or its subsidiaries and affiliates.

46. "Identify," when referring to a document, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and/or recipient(s).

47. "Identify," when referring to information, means to list or produce documents containing the specified information.

48. "IHB" means the Indiana Harbor Belt Railroad Company and/or its subsidiaries and affiliates.

49. "INRD" means The Indiana Rail Road Company and/or its subsidiaries and affiliates.

50. "Intermodal Train" means a freight train that consists of any combination of roadrailer equipment, double-stack or pedestal flat cars, and flat cars equipped for TOFC, COFC, multi-level auto-rack or auto frames

51. "IORY" means the Indiana & Ohio Rail System and/or its subsidiaries and affiliates.

52. "ISRR" means the Indiana Southern Railroad Inc. and/or its subsidiaries and affiliates.
53. "KCS" means the Kansas City Southern Railway and/or its subsidiaries and affiliates.
54. "KWT" means the KWT Railroad Inc. and/or its subsidiaries and affiliates.
55. "LAL" means the Livonia, Avon and Lakeville Railroad and/or its subsidiaries and affiliates
56. "LIRC" means the Louisville & Indiana Railroad Company and/or its subsidiaries and affiliates
57. "Local Train" means "Way train" as used in CSXT's R-1 Annual Report to the STB.
58. "LRS" means the Laurinburg and Southern Railroad Company and/or its subsidiaries and affiliates.
59. "MAW" means the Maumee & Western Railroad Corp. and/or its subsidiaries and affiliates.
60. "M&G car(s)" or "M&G service" means the cars containing commodities moving under Challenged Rates moving to and from Origins and Destinations over the M&G route(s).
61. "M&G route(s)" means the railroad line segments over which CSXT moves loaded and empty railcars between Origins and Destinations.

62. "M&G shipment(s)" means the movements identified in Exhibits A and B to M&G's Verified Complaint.

63. "M&G train(s)" means the trains containing loaded or empty railcars moving to and from Origins and Destinations over the M&G route(s).

64. "MSE" means the Mississippi Export Railroad Company and/or its subsidiaries and affiliates.

65. "NCYR" means the Nash County Railroad and/or its subsidiaries and affiliates.

66. "NERR" means the Nashville and Eastern Railroad Corp. and/or its subsidiaries and affiliates.

67. "NOPB" means the New Orleans Public Belt Railroad and/or its subsidiaries and affiliates.

68. "NOW" means the Northern Ohio & Western Railway and/or its subsidiaries and affiliates.

69. "NWR" means the Nashville & Western Railroad Corp. and/or its subsidiaries and affiliates.

70. "NYLE" means the New York & Lake Erie Railroad and/or its subsidiaries and affiliates.

71. "Origin(s)" means any of the rail stations or facilities where M&G originates rail shipments of the commodities moving under the Challenged Rates or where CSXT receives M&G shipments from another carrier.

72. "PAL" means the Paducah & Louisville Railway, Inc. and/or its subsidiaries and affiliates.

73. "PBVR" means the Port Bienville Railroad and/or its subsidiaries and affiliates.

74. "PDRR" means the Pee Dee River Railway and/or its subsidiaries and affiliates.

75. "Person(s)" means natural persons, corporations, institutions, partnerships, firms, joint ventures, associations, political subdivisions or other legal entities, as the case may be.

76. "Possession, custody, or control" refers to and includes documents actually within the possession, custody or control of CSXT or any other person acting for or in concert with CSXT; and refers to and includes documents prepared by, obtained, or placed in the possession, custody, or control of any such person within the scope of his or her duties or relationship to CSXT; and further refers to and includes documents having been placed in the temporary possession, custody, or control of any third party by any of the foregoing or CSXT. Documents are deemed to be in the possession, custody, or control of CSXT if CSXT has the right to secure the document, or a copy thereof, from

another person or entity, whether public or private, having such actual physical possession, custody, or control thereof.

77. "Price" or "prices" mean the price per railcar or other unit of measure, and whether it is f.o.b. or f.a.s. a railroad car, vessel, destination, port or other conveyance.

78. "Related," "related to," and "relating to" mean and include making a statement discussing, describing, referring to, reflecting, explaining, analyzing, or in any way pertaining to, in whole or in part, the subject matter of the Interrogatory or Request.

79. "RJCC" means the R. J. Corman Railroad Co./Central Kentucky Lines and/or its subsidiaries and affiliates.

80. "RJCM" means the R. J. Corman Railroad Co./Memphis Line and/or its subsidiaries and affiliates.

81. "RJCR" means the R. J. Corman Railroad Co./Bardstown Line and/or its subsidiaries and affiliates.

82. "RJCV" means the R.J. Corman Railroad Co./West Virginia Line and/or its subsidiaries and affiliates.

83. "RJCW" means the R. J. Corman Railroad Co./Western Ohio Line and/or its subsidiaries and affiliates.

84. "Road Train" means "Through train" as used in CSXT's R-1 Annual Report to the STB.

85. "RSOR" means the Riceboro Southern Railway and/or its subsidiaries and affiliates.
86. "RSR" means the Rochester & Southern Railroad and/or its subsidiaries and affiliates.
87. "SAPT" means the Savannah Port Terminal Railroad and/or its subsidiaries and affiliates.
88. "SARR States" means the States of Alabama, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, Tennessee, West Virginia, and the District of Columbia.
89. "SBVR" means the South Branch Valley Railroad and/or its subsidiaries and affiliates.
90. "SCRF" means the South Carolina Central R. R. Co. and/or its subsidiaries and affiliates.
91. "SCTR" means the South Central Tennessee Railroad, LLC and/or its subsidiaries and affiliates.
92. "SERCORR" means the Serco Railway and/or its subsidiaries and affiliates.
93. "SMW" means the St. Mary's Railway West, LLC and/or its subsidiaries and affiliates.

94. "SQVR" means the Sequatchie Valley Railroad Co. and/or its subsidiaries and affiliates.

95. "TNHR" means the Three Notch Railroad Co., Inc. and/or its subsidiaries and affiliates.

96. "TPW" means the Toledo, Peoria and Western Railway Corporation and/or its subsidiaries and affiliates

97. "TRANSFLO" means TRANSFLO Terminal Services Inc. and/or its subsidiaries and affiliates.

98. "TTIS" means the Transkentucky Transportation Railroad, Inc. and/or its subsidiaries and affiliates.

99. "TYBR" means the Tyburn Railroad Company and/or its subsidiaries and affiliates.

100. "VRR" means the Vaughn Railroad Company and/or its subsidiaries and affiliates.

101. "WE" means the Wheeling & Lake Erie Railway Company and/or its subsidiaries and affiliates.

102. "WHOE" means the Walking Horse & Eastern Railroad Co. and/or its subsidiaries and affiliates.

103. "WNRF" means the Winifred Railroad and/or its subsidiaries and affiliates.

104. "WTNN" means the West Tennessee Railroad, LLC and/or its subsidiaries and affiliates.

105. "WVC" means the West Virginia Central Railroad and/or its subsidiaries and affiliates.

106. "WWRC" means the Wilmington & Western Railway Corporation and/or its subsidiaries and affiliates.

107. "WWVA" means the Winchester & Western Railroad and/or its subsidiaries and affiliates.

II. INSTRUCTIONS

CSXT is requested to conform to the following instructions in responding to these Requests and Interrogatories.

1. These Interrogatories and Document Requests call for all information, including information contained in documents that are in the possession, custody, or control of CSXT.

2. Each paragraph shall operate and be construed independently. Unless otherwise indicated, no paragraph limits the scope of any other paragraph.

3. Where these discovery requests seek data in a computer-readable format, machine-readable format, or in its native format, this data is defined as an electronic file which contains structured, relational data, and is managed within a commercially available and relational database system (for example Microsoft, Oracle, IBM) and is

readable via commercially available and standard Microsoft Windows software API (Application Programming Interfaces) methods to include Open Database Connectivity (ODBC) implementations thereby making the data accessible independent of the host system.

If the source table is stored within a non-relational system, such as a 'flat file', or a custom system (not commercially available) provide the data in standard sequential or delimited text files. The text files will be MS-DOS or MS-Windows compatible text formats.

- a. For each computer file supplied provide:
 - i. The name and description of the source database or other file from which the records in the computer file were selected (stating whether the file is an original extract from a line of business transactional or data warehouse computer system, or if the provided file is an extract, or report, created specifically for this request) including a graphic or textural representation of the database relational model for each system to include all named tables of data within the system's relational model, along with every table provided a list of fields, primary keys, foreign keys, list relational links to other tables and fields, and filters, if any, associated to the relational links. Include all related tables, and all fields within each included table. List the fields which define a unique record (row) for each table, or state if the table does not require unique row differentiators or primary keys. For code tables, provide the code, and associated data elements in a discreet list (no duplicates);
 - ii. A description of how the records in the file produced were selected;
 - iii. The original table names (no aliases), original field names, to match the provided systems' data structures within each

computer program (in native software and text file) and intermediate file used in deriving the files produced if the files produced are flat files. If the files produced are commercially available relational database files, provide the method used and code (if code was created) used to export the data to this relational format; and

- iv. A relational diagram defining relationships between tables, with all fields, listing primary keys, foreign keys, with each table or file provided as listed in the relational diagram. Also provide all table indexes, and index files, which define the index to be clustered or non-clustered.
- b. For each field in each computer database file provide a complete, standard data structure:
- i. The name of the field including its source table name, and if different from the LOB (line of business) or off-line analytical system field name, provide all field name incarnations so that there is a linkage between the provided fieldname and the original source fieldname and source table, and source application/system. Also provide the "Synonymous Name", that being a single word or multiple words that differ from the fieldname, but represents the same data element using alternative or more descriptive terminology. Also provide the "Context", that being a designation or description of the application environment in which the data item (or field) is applied or from which it is originally derived (its origin);
 - ii. The starting and ending positions of the field if the file is a flat file, otherwise, if the provided data set is a relational database "table", export the table structure into a separate ANSI SQL 92 code or text file;
 - iii. A detailed definition of the field and whether this field is the record's (or row's) unique identifier, or it is one of many fields which create a unique row (list them);
 - iv. A detailed description of the data in the field, including an explanation of what they are used for and also provide all

related index files in SQL code format or text files, if any;

- v. The type of data in the field, i.e., whether numeric, character, alphanumeric, number of digits, number of significant digits, whether signed or unsigned (i.e., negatives allowed) and whether this field is Unicode, or contains any constraints, or requirements to be Non-Null, or non-blank;
- vi. If the values in a field are terms or abbreviations, a list of all terms or abbreviations used with detailed definitions of each and provide the approved domain (range of values if indeterminate) or list of values permitted if determinate. Also provide minimum and maximum values, including whether the values are Null, hidden, or specific ASCII or ISO codes. Include the character encoding or software vendor's code page, for each table if any;
- vii. An indication of whether the data in the field are packed or compressed; and
- viii. If the data in the field are packed or compressed, the type of packing or compression:
 - (1) Zoned with low-order sign;
 - (2) Binary with LSB first;
 - (3) Binary with MSB first;
 - (4) Packed with high-order sign;
 - (5) Packed with low-order sign;
 - (6) Packed with no sign; and
 - (7) Other (specify and provide detailed instructions for unpacking).
- ix. If the data files and tables originate on a non-Microsoft Windows operating system, state the original operating system and convert to Microsoft Windows format.
- x. For data or other electronic information submissions where the source system does not have a 32-bit operating system, verify that all data and files are computer-readable on a 32-bit operating system.

4. If an answer or the production of any responsive document is withheld under 49 C.F.R. § 1114.30(a)(1) on the basis of a claimed privilege or attorney work product, then for each such answer or document, provide the following information: its date, type (e.g., letter, meeting, notes, memo, etc.), author (note if author is an attorney), addressee(s)/recipient(s) (note if addressee(s) or recipient(s) is an attorney), general subject matter, and basis for withholding the information.

5. If the answer to any Interrogatory or the production of any responsive document is withheld on claimed grounds other than privilege or attorney work product, state with specificity the basis for such withholding.

6. CSXT is requested to supplement its production in the manner provided in 49 C.F.R. Part 1114.29.

7. If a responsive document was, but is no longer in CSXT's possession, custody, or control, describe what disposition was made of it.

8. Where knowledge or information in the possession, custody, or control of CSXT is requested, such request includes knowledge or information in the possession, custody, or control of its employees, agents, representatives, and consultants.

9. Words in the singular include plural and vice versa

10. Dates are inclusive unless otherwise stated.

11. References to the present tense shall be construed to include the past tense, and references to the past tense shall include the present tense, as necessary to bring

within the scope of each Interrogatory or Request For Production all knowledge or information that might otherwise be construed to be outside the scope of the Interrogatory or Request For Production.

12. All documents should be produced or made available for inspection in the form in which they are retained by CSXT in its usual course of business (e.g., if the documents are in a file, the file containing the documents should be produced), unless otherwise agreed by M&G and CSXT. All files containing responsive documents should be identified by the file name and number.

13. All documents produced should be organized and numbered in such a manner that M&G may readily determine which documents are being produced in response to each specific Request for Production. If no document is produced in response to any specific Request, please so indicate in the response.

14. If CSXT believes that any Interrogatory, Request For Production, definition, or instruction is ambiguous, CSXT should set forth the language that it believes is ambiguous and the interpretation that it is using in responding to the Interrogatory or Request For Production.

15. If CSXT cannot answer any part of any Interrogatory or Request For Production in full, after exercising due diligence to secure the information to do so, CSXT should so state and answer to the extent possible, specifying its inability to answer

the remainder and stating whatever information or knowledge it has regarding each unanswered part.

16. M&G reserves the right to file supplemental and/or follow-up Interrogatories, Requests for Production, and other discovery, as necessary or appropriate.

III. REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1

Separately for each of the Challenged Rates identified in Exhibits A and B to M&G's Verified Complaint, admit that each such Challenged Rate exceeds 180 percent of the variable costs of providing the transportation to which the Challenged Rates apply.

REQUEST FOR ADMISSION NO. 2

Separately for each of the movements identified in Exhibits A and B to M&G's Verified Complaint, admit that CSXT faces no effective rail competition for the transportation of commodities under the Challenged Rates from Origins to Destinations.

REQUEST FOR ADMISSION NO. 3

Separately for each of the movements identified in Exhibits A and B to M&G's Verified Complaint, admit that CSXT faces no effective competition from other surface modes (e.g. truck, barge, pipeline) for the transportation of commodities under the Challenged Rates from Origins to Destinations.

IV. INTERROGATORIES

INTERROGATORY NO. 1

If your response to Request for Admission No. 1 was anything other than an unqualified admission for each Challenged Rate in Exhibits A and B to M&G's Verified Complaint, please explain in detail the legal basis for your response, provide the revenue-to-variable cost percentage that CSXT claims each such Challenged Rate produces, and identify all documents that support your response.

INTERROGATORY NO. 2

If your response to Request for Admission No. 2 was anything other than an unqualified admission for each movement in Exhibits A and B to M&G's Verified Complaint, for any such movement for which your response was not an unqualified admission, please identify the specific movement; identify the rail carrier(s) that provide effective rail competition; and describe the effective rail competition that CSXT claims exists for the transportation to which the Challenged Rate applies, the annual volume subject to such competition, and how and why such competition is effective.

INTERROGATORY NO. 3

If your response to Request for Admission No. 3 was anything other than an unqualified admission for each movement in Exhibits A and B to M&G's Verified Complaint, for any such movement for which your response was not an unqualified admission, please identify the specific movement; identify any carriers that CSXT

contends provide effective competition; and describe the effective competition from other surface modes that CSXT claims exists for the transportation to which the Challenged Rate applies, the annual volume subject to such competition, and how and why such competition is effective.

INTERROGATORY NO. 4

Please identify, by name, title and address, the person(s) who prepared each answer to these Interrogatories and each response to the foregoing Requests for Admissions, and who reviewed and selected the documents to be produced in response to each of the following Requests for Production.

INTERROGATORY NO. 5

Please provide a complete description of each M&G movement identified on Exhibits A and B to M&G's Verified Complaint by CSXT from Origin to Destination and from Destination to Origin, including, but not limited to, (a) a description of all transportation-related activities at Origin, at Destination, and at all intermediate stations or other points between Origin and Destination; (b) the route(s) used; (c) the railroads involved in each route; and (d) the miles for each route separated by railroad.

INTERROGATORY NO. 6

Please describe the arrangements between CSXT and each railroad identified in part "f" of the Interrogatory No. 6 regarding all movements handled in whole or in part by

CSXT and including, but not limited each railroad identified in part “f” of this

Interrogatory No. 6 to:

- a. Whether CSXT sets all rates, fees and surcharges, including the portion of the movement handled by each railroad identified in part “f” of this Interrogatory No. 6, and if not, identify who sets the rates, fees, and surcharges;
- b. Whether the CSXT revenues reported in the traffic and revenue data provided in response to Request for Production No. 20 include or exclude the monies paid to each railroad identified in part “f” of this Interrogatory No. 6 as compensation for its portion of each movement;
- c. Whether a physical interchange of traffic takes place between CSXT and each railroad identified in part “f” of this Interrogatory No. 6, and if so, identify the interchange location(s);
- d. Whether each railroad identified in part “f” of this Interrogatory No. 6 provides its own locomotive power for its portion of each movement or if CSXT power is used; and
- e. Whether each railroad identified in part “f” of this Interrogatory No. 6 provides its own train crew personnel for its portion of each movement or if CSXT train crew personnel are used.
- f. ACWR, AF, AGR, ALAB, AO, AR, ATN, BB, BPRR, BSOR, CALA, CCRA, CEIW, CF, CFE, CFWR, CIND, CKIN, CNUR, CUOH, EARY, ELKR, EPRY, FCEN, FCR, GC, GCK, GMRY, GNRR, IHB, INRD, IORY, ISRR, KCS, KWT, LAL, LIRC, LRS, MAW, MSE, NCYR, NERR, NOPB, NOW, NWR, NYLE, PAL, PBVR, PDRR, RJCC, RJCM, RJCR, RJCW, RSOR, RSR, SAPT, SBVR, SCRF, SCTR, SERCORR, SMW, SQVR, TNHR, TPW, TTIS, TYBR, VRR, WE, WHOE, WNRF, WTNN, WVC, WWRC, WWVA.

INTERROGATORY NO. 7

Interrogatory No. 7 refers to the CSXT rail yards located in the SARR States.

- a. For each of the yards, identify the type of yard, i.e., electronically controlled hump yard or flat switch yard. Also identify the number of shifts

operated at each hump yard, and the average number of cars handled over each hump yard per day;

b. For each of the yards, describe the yard layout, yard signaling, yard switching, and the yard connection to mainline track;

c. For each of the yards which are hump yards, identify the average number of hazardous material cars handled at each yard on a daily basis that by-pass the hump;

d. For each of the CSXT rail yards, identify the scheduled switch crew assignments on a daily basis (including the name or designation of each assignment) and the respective duties of each assignment, e.g., switching job, bowl job, hump job, industrial job, etc.;

e. For each of the switch assignments identified in response to part d. above, please identify the typical number of switch crew members and the number and type of locomotives assigned to each switch service; and

f. For each of the switch assignments identified in response to part d. above, please state the typical number of hours worked by switch crews in performing their assigned tasks.

g. For each individual industrial switch job identified in response to part d, above, please identify the following information:

- i. The name or designation of each individual industrial switch job;
- ii. The typical number of crew members assigned to each identified industrial switch job;
- iii. Typical number and type of locomotives assigned to each identified industrial switch job;
- iv. The industries served by each identified industrial switch job; and
- v. The frequency of service of each identified industrial switch job.

h. Please identify each of the Local Trains that originate or terminate in each of the yards listed above and for each Local Train please identify the following information:

- i. CSXT's train identification or designation of each Local Train;

- ii. Typical number of crew members assigned to each identified Local Train;
- iii. Typical number of loaded and empty cars assigned to each Local Train;
- iv. Typical trailing length of each identified Local Train;
- v. Typical trailing weight of each identified Local Train;
- vi. Typical number and type of locomotives assigned to each Local Train;
- vii. The route of service for each identified Local Train, and if the Local or Road Train is a turn crew or straight-away crew;
- viii. The industries served by each identified Local Train; and
- ix. The frequency of service of each Local Train.

i. Please describe the security procedures employed at each of the CSXT rail yards.

INTERROGATORY NO. 8

Please describe how hazardous materials are handled by CSXT in each of the yards identified in response to Interrogatory No. 7, and specifically describe the procedures used by CSXT to classify railcars containing hazardous materials and if such classification occurs in a separately designated portion of the yards.

INTERROGATORY NO. 9

Please provide the maximum permissible gross weight on rail ("GWR") per railcar for each CSXT line segment in the SARR States. For all segments having a GWR less than 286,000 lbs. per railcar, please indicate the items and factors that limit the GWR for the identified segments.

INTERROGATORY NO. 10

Please identify any computer programs or models that are currently being or have been used by CSXT in the past three years to simulate a locomotive's and/or a train's performance while moving over a particular route. For all programs and models, identify all the necessary inputs required to run the program.

INTERROGATORY NO. 11

Please identify any computer programs or models that are currently being used or have been used by CSXT in the past three years to (a) download locomotive event or similar data from locomotives along any line segment in the SARR States, and/or (b) process locomotive event data for purposes of determining locomotive throttle position and/or fuel consumption.

INTERROGATORY NO. 12

Please identify each scheduled Road Train operating in the SARR states and for each of the identified Road Trains, please identify the following:

- a. CSXT's train identifier or designation of each identified Road Train and the beginning and end points served by each of the identified Road Trains;
- b. State whether the crews are assigned or in pool service. Identify home and away-from-home terminals for each crew district;
- c. The scheduled on-duty and off-duty locations for each crew assigned to the identified Road Trains;
- d. The number of crew members typically assigned per shift to each of the identified Road Trains;

- e. The number and type of locomotives typically assigned to each of the Road Trains;
- f. The number and type of loaded and empty cars typically assigned to each of the Road Trains;
- g. The trailing length for each of the identified Road Trains;
- h. The trailing weight for each of the identified Road Trains;
- i. The scheduled frequency of service for each identified Road Train; and
- j. The scheduled time of departure and arrival at stations served by each of the identified Road Trains.

INTERROGATORY NO. 13

Please identify the location and name of each intermodal terminal or yard located on CSXT's rail lines in the SARR States, and provide the following information for each identified terminal or yard:

- a. Please describe the services CSXT provides at each intermodal terminal or yard identified in response to this interrogatory;
- b. For each terminal or yard, describe the yard and track layout, yard and track signaling, yard switching, and the track connection(s) to mainline track;
- c. If CSXT does not provide services at any of the intermodal terminals or yards, please identify the entity that provides service at each intermodal terminal or yard;
- d. State whether the loading and unloading facilities are owned and/or operated by CSXT and its personnel, or whether by an outside contractor at each facility. If owned or operated by a contractor, please identify lift and other charges contained in contracts for services provided by the contractor(s);

- e. Please describe all CSXT operations at each intermodal terminal or yard, including but not limited to:
- i. A description of each job assignment at each identified intermodal terminal or yard;
 - ii. The number of shifts assigned per day for each job assignment;
 - iii. The number of train crews assigned at each intermodal terminal or yard including a description of the services provided by each train crew, and;
 - iv. The number of annual lifts performed at each intermodal terminal or yard.
- f. Please describe the security procedures employed at each intermodal terminal or yard located on CSXT rail lines in the SARR States.

INTERROGATORY NO. 14

Please identify each scheduled Intermodal Train operating in the SARR states and for each of the identified Intermodal Trains, please identify the following:

- a. CSXT's train identifier or designation of each identified Intermodal Train and the beginning and end points served by each of the identified Intermodal Trains;
- b. The scheduled on-duty and off-duty locations for each crew assigned to the identified Intermodal Trains;
- c. The number of crew members typically assigned per shift to each of the identified Intermodal Trains;
- d. The number and type of locomotives typically assigned to each of the Intermodal Trains;
- e. The number and type of loaded and empty cars typically assigned to each of the Road Trains;
- f. The trailing length for each of the identified Road Trains;
- g. The trailing weight for each of the identified Road Trains;
- h. The scheduled frequency of service for each identified Intermodal Train; and

i. The scheduled time of departure from the initial terminal to scheduled time of arrival at final terminal destination on CSXT for each of the identified Intermodal Trains.

INTERROGATORY NO. 15

Please identify the location and name of each Automotive Distribution Center located on CSXT's rail lines in the SARR States, and provide the following information for each identified Automotive Distribution Center:

- a. Please describe the services CSXT provides at each Automotive Distribution Center identified in response to this interrogatory;
- b. If CSXT does not provide services at any of the Automotive Distribution Centers, please identify the entity that provides service at each Automotive Distribution Center;
- c. Please describe CSXT operations at each Automotive Distribution Center, including but not limited to:
 - i. A description of each job assignment at each Automotive Distribution Center;
 - ii. The number of shifts assigned per day for each job assignment, and;
 - iii. The number of train crews assigned at each Automotive Distribution Center including a description of the services provided by each train crew.
- d. Please describe the security procedures employed by CSXT at each of the Automotive Distribution Centers.

INTERROGATORY NO. 16

Please identify each scheduled Automotive Train operating in the SARR states and for each of the identified Automotive Trains, please identify the following:

- a. CSXT's train identifier or designation of each identified Automotive Train and the beginning and end points served by each of the identified Automotive Trains;
- b. The scheduled on-duty and off-duty locations for each crew assigned to the identified Automotive Trains;
- c. The number of crew members typically assigned per shift to each of the identified Automotive Trains;
- d. The number and type of locomotives typically assigned to each of the Automotive Trains;
- e. The number and type of loaded and empty cars typically assigned to each of the Automotive Trains;
- f. The trailing length for each of the identified Automotive Trains;
- g. The trailing weight for each of the identified Automotive Trains;
- h. The scheduled frequency of service for each identified Automotive Train; and
- i. The scheduled time of departure and arrival at stations served by each of the identified Automotive Trains.

INTERROGATORY NO. 17

Please identify the locations and names of each TRANSFLO terminal located on CSXT's rail lines in the SARR States, and provide the following information for each identified terminal:

- a. Please describe the services CSXT provides at each TRANSFLO terminal;

b. If CSXT does not provide services at any TRANSFLO terminal, please identify the entity that provides service at each TRANSFLO terminal;

c. Please describe CSXT operations at each of the TRANSFLO terminals, including but not limited to:

- i. A description of each job assignment at each TRANSFLO terminal;
- ii. The number of shifts assigned per day for each job assignment, and;
- iii. The number of train crews assigned at each TRANSFLO terminal including a description of the services provided by each train crew.

d. For each TRANSFLO terminal, please state if it is located in a CSXT yard, and if so, please state if the TRANSFLO terminal is located in a distinct section of the yard and if it is serviced by yard locomotives identifier;

e. Please identify each Road Train by train identifier or train designation which serves each TRANSFLO terminal and the frequency of the service provided by each Road Train; and

f. Please identify the security procedures employed by CSXT at each TRANSFLO terminal.

INTERROGATORY NO. 18

Please identify any company other than CSXT that provides for the development, implementation and/or maintenance of computer systems, software and associated documentations for the day-to-day operations of CSXT.

INTERROGATORY NO. 19

For each company identified in response to Interrogatory No. 18 which is a subsidiary or affiliate of CSX, or a joint venture involving CSX, please describe the services provided by the company and state if that company outsources any portion of its program development, computer program maintenance and/or other computer related

activities. If so, please identify each company providing the outsourced services and describe the services outsourced.

INTERROGATORY NO. 20

Please describe the CSXT personnel, processes, utilization, computer programs, computer models and electronic data that is utilized by CSXT when developing or implementing its “ONE Plan” for improving operating performance.

INTERROGATORY NO. 21

Please describe the CSXT personnel, processes, utilization, computer programs, computer models and electronic data (both input data and output data) associated with each of the following models or tools used by CSXT and/or CSXI to facilitate commercial and operational planning:

1. Traffic Flow Analyzer (“TFA”);
2. Multi Rail Enterprise Edition (“MREE”);
3. Algorithmic Class Tracking (“ACT”);
4. Rail Traffic Controller (“RTC”);
5. Corridor Analyzer;
6. Demand Forecasting Flowmap Tool;
7. Service Planning Change Management System (“SPCMS”);
8. Locomotive Fuel and Planning System (“LFPS”);
9. Locomotive Simulation Model (“LSM”);

10. Crew Planning System; and
11. Rail Corridor Risk Management System ("RCRMS").

CSXT's detailed explanation should include a description of how each of these models/tools are utilized internally by CSXT alone or in conjunction with other models/tools.

INTERROGATORY NO. 22

In a September 10, 2000 paper titled "CSX Track Chart and Engineering Information System", CSXT describes its CSX Track Chart and Engineering Information System ("System").

- a. Please describe in detail the capabilities and typical uses of the System.
- b. Please describe how to remotely access the CSXT System.
- c. For each of the components of the CSXT System listed below, please describe each component in detail and identify any fields or values used to interpret data derived from each component. This includes, but is not limited to, the following components:
 - i. Track Geometry Measurement Data;
 - ii. Track Management Program;
 - iii. Geospatial or geographical Database ("GIS");
 - iv. The "System Foundation" containing milepost, latitude, longitude, elevation, switch and other track data;
 - v. Track Measurements;
 - vi. Mainframe Engineering Database;
 - vii. Electronic Track Charts; and
 - viii. Corridor Survey.
- d. Please describe the procedures for logging into the System and accessing each of the components identified in subpart c. to this Interrogatory No. 22.

INTERROGATORY NO. 23

Please describe the services, if any, that CSXI provides at each intermodal terminal or yard identified in CSXT's response to Interrogatory #13.

INTERROGATORY NO. 24

Please state whether or not CSXT has information and/or data in a computer-readable format or in its native format for the following items (each subpart cross-references a Request for Production included herein):

- a. Operating Timetables (or the data identified in the timetables) [RFP #13]
- b. Station Lists [RFP #13]
- c. Station Books [RFP #13]
- d. Track Charts (or the data contained on the track charts) [RFP #13]
- e. Schematics of trackage at Origins [RFP #13]
- f. Schematics of trackage at Destinations [RFP #13]
- g. Mileage between railroad stations [RFP #13 and #27]
- h. Number of feet between mileposts [RFP #13]
- i. Operating Statistics and Density Data (including but not limited to train miles, train hours, locomotive unit miles, loaded car-miles, empty car-miles, net ton-miles, gross ton-miles (both including and excluding locomotives), number of trains, etc.) [RFP #18]
- j. Density [RFP #19]
- k. Rail line elevation [RFP #39]
- l. Curves [RFP #39]
- m. Communications signals [RFP #40]
- n. Yards [RFP #41]
- o. Track Input files for the RTC Model [RFP #43]
- p. Train Input files for the RTC Model [RFP #43]
- q. Form A and Form B files for the RTC Model [RFP #43]
- r. Output files for the RTC Model [RFP #43]
- s. Cycle times and movement data [RFP #44]
- t. Cycle times (including actual, projected, standard, expected and/or contractual) [RFP #45]
- u. Locomotives [RFP #52]
- v. Locomotive fuel consumption [RFP #56]
- w. Locomotive utilization and performance (including unit-miles, hours running, hours switching, hours out-of-service for repairs and hours stored useable) [RFP #59]

- x. Crew districts (including “from” and “to” stations, route miles and number of locomotives per train by train type) [RFP #65]
- y. Train dispatch priority and methodology for scheduling trains [RFP #72]
- z. End-of-train telemetry devices [RFP #76]
- aa. CSXT freight cars [RFP #77]
- bb. CSXT trailers and/or containers [RFP #78]
- cc. CSXI trailers and/or containers [RFP #79]
- dd. CSXT auto rack cars [RFP #81]
- ee. Rail car repair and maintenance [RFP #85]
- ff. Rail car miles [RFP #85]
- gg. Shipper-owned and shipper-leased rail cars [RFP #86]
- hh. Intermodal and automotive railcars provided by a third party [RFP #86]
- ii. Locomotive repair and maintenance [RFP #88]
- jj. Locomotive unit-miles [RFP #88]
- kk. Number of shifts worked per year, years of employment and annual compensation for individual locomotive engineers, conductors, dispatchers and equipment inspectors [RFP #94]
- ll. Culverts [RFP #127]
- mm. Tunnels [RFP #131]
- nn. Bridges [RFP #133]
- oo. Highway Crossings [RFP #138]
- pp. Fences [RFP #146]
- qq. Geographic/Geospatial Information System (“GIS”) [RFP #153 and Interrogatory #22]
- rr. CSX Track Chart and Engineering Information System [RFP #154 and Interrogatory #22]

V. DOCUMENT PRODUCTION REQUESTS

REQUEST FOR PRODUCTION NO. 1

Please produce all documents related to the preparation of the single line and AAR Accounting Rule 11 rates for M&G shipments identified on Exhibits A and B to M&G’s Verified Complaint, and all predecessor publications thereto, including but not limited to all documents used and/or relied upon in determining the formula for calculating the rates.

REQUEST FOR PRODUCTION NO. 2

Please produce all studies and analyses conducted by or for CSXT from January 1, 2003 to date related to (a) the profitability of CSXT's traffic by traffic group; and (b) the profitability of transportation service provided by CSXT for the account of M&G including, but not limited to, all studies and analyses produced by CSXT's EyeProfit profitability analysis system.

REQUEST FOR PRODUCTION NO. 3

For each M&G Shipment, either individually or aggregated in any form with other CSXT movements, produce all documents, including but not limited to any studies or other analyses, that refer or relate to actual or potential competition to CSXT from other rail carriers or transportation modes, or to transportation alternatives that are or might be available to M&G for such movements.

REQUEST FOR PRODUCTION NO. 4

For each of the commodities identified in Exhibits A and B to M&G's Verified Complaint, either individually or aggregated in any form with other commodities, produce all documents, including but not limited to any studies or other analyses, that refer or relate to actual or potential competition to CSXT from other rail carriers or transportation modes for the transportation of such commodities, or to transportation alternatives that are or might be available for the movement of such commodities by rail.

REQUEST FOR PRODUCTION NO. 5

Produce all documents, including but not limited to any studies or other analyses, that refer or relate to actual or potential competition to CSXT from other rail carriers or transportation modes for transportation for the account of M&G, or to transportation alternatives that are or might be available to M&G for any of the M&G Shipments, either individually or aggregated in any form with other CSXT movements or other commodities.

REQUEST FOR PRODUCTION NO. 6

For each M&G Shipment, either individually or aggregated in any form with other CSXT movements, produce all documents, including but not limited to any studies or other analyses, that refer or relate to: (a) the price that would or might be charged by other carriers or modes of transportation for transportation from Origin to Destination; and (b) the cost(s) that would or might be incurred by other carriers or modes of transportation for the transportation from Origin to Destination.

REQUEST FOR PRODUCTION NO. 7

For each of the commodities identified in Exhibits A and B to M&G's Complaint, either individually or aggregated in any form with other commodities, produce all documents, including but not limited to any studies or other analyses, that refer or relate to: (a) the price that would or might be charged by other carriers or modes of transportation for the transportation of such commodities; and, (b) the cost(s) that would

or might be incurred by other carriers or modes of transportation for the transportation of such commodities.

REQUEST FOR PRODUCTION NO. 8

For each of the commodities identified in Exhibits A and B to M&G's Verified Complaint, either individually or aggregated in any form with other commodities, produce all documents, including but not limited to any studies or other analyses, that refer or relate to the physical characteristics of such commodities and the effect of those physical characteristics on the ability to transport such commodities via modes other than rail.

REQUEST FOR PRODUCTION NO. 9

Produce all documents created, reviewed or referred to by CSXT, from January 1, 2006 through the present, to assess the market for transportation of each M&G Shipment and to set rates on each M&G Shipment, including but not limited to any competitive alternatives to CSXT rail transportation.

REQUEST FOR PRODUCTION NO. 10

Produce all documents created, reviewed or referred to by CSXT, from January 1, 2006 through the present, to assess the market for transportation of each commodity in Exhibits A and B to M&G's Verified Complaint and to set rates on the movement of such commodities, including but not limited to any competitive alternatives to CSXT rail transportation.

REQUEST FOR PRODUCTION NO. 11

Produce all documents created, reviewed or referred to by CSXT, from January 1, 2006 through the present, to assess the market for transportation in any of the SARR States for each movement and commodity in Exhibits A and B to M&G's Verified Complaint and to set rates on the movement of such commodities, including but not limited to any competitive alternatives to CSXT rail transportation.

REQUEST FOR PRODUCTION NO. 12

Please produce for each CSXT territory or division located in the SARR States, organization charts which show each CSXT management and/or supervisory position, the number of personnel in each position and the relationship or reporting authority and relative rank of each position. Please include organizational charts which include, but are not limited to, positions related to train operations, yard operations, maintenance of way, maintenance of equipment, engineering, and general and administrative functions. Also, include the relationship and reporting authority from each CSXT territory or division to CSXT senior management.

REQUEST FOR PRODUCTION NO. 13

Please produce current operating timetables (including special instructions and/or operating rule books), station lists, station books, track charts and "condensed profiles" (including schematics which identify the division, subdivision, and ownership status (*i.e.*, whether railroad-owned or privately-owned) of the tracks at the Origins and Destinations), and any other document containing mileage figures and/or the feet between

mileposts, which are applicable to CSXT lines in the SARR States. Please provide the requested data in their native formats to the extent available (including all necessary documentation). If current versions of any of the requested documents are not available, please produce the most recent versions that are available.

REQUEST FOR PRODUCTION NO. 14

For each Intermodal terminal or yard, Automotive Distribution Center and TRANSFLO terminal located in the SARR states, please provide documents showing the track layout, the length of each track, the ownership of each track and descriptions of the existing facilities.

REQUEST FOR PRODUCTION NO. 15

For all locations in the SARR States where CSXT interchanges railcars and/or trains with another railroad, please provide documents that: (a) describe the interchange procedures at each location; (b) identify the tracks (and length of each track) used for interchange purposes; and (c) identify the ownership of each track used for interchange purposes.

REQUEST FOR PRODUCTION NO. 16

Please provide documents setting forth CSXT's policy on the construction of industrial tracks to serve customers, including, but not limited to, construction specifications and how costs for all track construction from the connection to CSXT track to the industry (including all turnouts) is allocated between CSXT and the customer.

REQUEST FOR PRODUCTION NO. 17

Please produce copies of all documents, including agreements and/or understandings and all amendments and supplements thereto between CSXT and each railroad identified in Interrogatory No. 6, part "f", that refer or relate to the pricing and handling of all commodities, including but not limited to:

- a. Agreements or understandings pertaining to CSXT's payments to any of the identified railroads of a revenue factor, division, flat rate or other type of compensation for the railroad's portion of a movement;
- b. Locomotive run-through power or power sharing agreements or arrangements;
- c. Train crew run-through or train crew sharing agreements or arrangements;
- d. Any other agreements or arrangements pertaining to rates, surcharges, revenue sharing or operations; and
- e. Any operating timetables (including special instructions and/or operating rule books), station lists, station books, track charts and "condensed profiles" for any of the above listed railroads; and
- f. Copies of all bills or invoices from 2008 to the present (including all supporting documents and data) rendered between CSXT and any of the identified railroads pursuant to each of the agreements and/or understandings produced in response to this Request for Production No. 17.

REQUEST FOR PRODUCTION NO. 18

For each CSXT line segment in the SARR States, please produce documents, in a computer-readable format to the extent available, which contain operating statistics and density data (including but not limited to train miles, train hours, locomotive unit miles, loaded car-miles, empty car-miles, net ton-miles, gross ton-miles (both including and

excluding locomotives), number of trains, etc.) for all traffic by commodity for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 19

Please provide the following density information for CSXT's entire system for each year or partial year 2008 to the present in its native format (computer readable), including all record layouts, field descriptions, data definitions and data dictionaries/decoders required to use the data. The density database or spreadsheet should include, at a minimum, the following data:

- a. Identification of the unique railroad divisions, subdivisions, and individual line segments for each unique density segment;
- b. Station name and SPLC at the beginning of a unique density segment and at the end of a unique density segment;
- c. Beginning and ending milepost for each unique density segment;
- d. Rail and track mileage for each unique density segment;
- e. (i) Total density (both directions including empty and loaded trains) by segment expressed in net ton-miles; or in the alternate, (ii) CSXT should provide total density (both directions including empty and loaded trains) by segment expressed in gross ton-miles plus appropriate factors that can be used to convert gross ton-miles to net ton-miles on each unique density segment; and
- f. Density information (i) for segments that CSXT utilizes via trackage rights (a joint facility or other joint use agreement) on another railroad and (ii) for segments where other railroads operate by trackage rights (a joint facility or other joint use agreement) over CSXT segments and identification of such densities that are included in the total densities provided in response to subpart e. above.

REQUEST FOR PRODUCTION NO. 20

Please produce the data bases, data warehouses and computer programs (with all documentation related to these data bases and computer programs), in a computer-readable format, that include the information listed below for each movement handled by CSXT or CSXI as originating, terminating, overhead or single-line carrier that traveled in any of the SARR States for each year or partial year 2008 to the present:

- a. Commodity (seven-digit Standard Transportation Commodity Code "STCC");
- b. Origin station and state;
- c. Destination station and state;
- d. The name of the customer, consignee, payee and shipper for each shipment record;
- e. For shipments that originated on CSXT's system, the date and time the shipment was originated;
- f. For shipments CSXT received in interchange, the on-junction station, state and Standard Point Location Code ("SPLC");
- g. For shipments CSXT received in interchange, the road received from;
- h. For shipments CSXT received in interchange, the date and time the shipment was interchanged;
- i. For shipments given in interchange, off-junction station, state and SPLC;
- j. For shipments given in interchange, the road given to;
- k. For shipments given in interchange, the date and time the shipment was interchanged;

- l. For shipments terminated on CSXT's system, the date and time the shipment was terminated;
- m. Origin Freight Station Accounting Code ("FSAC");
- n. Destination FSAC;
- o. Origin SPLC;
- p. Destination SPLC;
- q. Number of railcars;
- r. Number of intermodal containers/trailers
- s. Tons (Net);
- t. Railcar tare weight;
- u. Intermodal container/trailer tare weight;
- v. Total freight revenues from origin to destination, including any adjustments thereto, along with a description of the adjustment (i.e., add to or subtract from gross revenue);
- w. CSXT's share or division of the total freight revenues, including any adjustments thereto;
- x. Total revenues from surcharges (including but not limited to fuel surcharges), and whether such revenue from surcharges is included in the total freight revenues and CSXT's division thereof provided in response to Subparts (v) and (w) above;
- y. The contract, agreement, tariff, pricing authority, etc. that the shipment is billed under, including the amendment and item numbers;
- z. Waybill number and date;
- aa. TOFC/COFC plan;

- bb. Car/trailer/container initial for each car/trailer/container used to move the shipment (for intermodal movements provide both the railcar and container/trailer initials);
- cc. Car/trailer/container number for each car/trailer/container used to move the shipment (for intermodal movements provide both the railcar and container/trailer number);
- dd. The train identification number of all trains used to move the shipment;
- ee. The number of locomotives, by train identification, by segment, used to move the shipment;
- ff. The total horsepower, by train identification, by line segment, used to move the shipment;
- gg. The total gross trailing tons, by train identification, by line segment, for all trains used to move the shipment;
- hh. The station, state and SPLC where the traffic was interchanged between trains;
- ii. Total loaded movement miles;
- jj. The predominant route of movement for each shipment on CSXT's system that is associated with the loaded movement miles;
- kk. Total empty movement miles;
- ll. Miles used to derive applicable fuel surcharges;
- mm. Applicable fuel surcharge rate;
- nn. Total loaded miles on CSXT's system;
- oo. Total empty miles on CSXT's system;
- pp. AAR car-type code;

- qq. Provider of car and trailer/container (CSXT-owned, CSXT-leased, shipper, or foreign road);
- rr. Provide the intermodal service plan code and the intermodal line of business code for each intermodal shipment;
- ss. Provide the length, width and height for each car/container/trailer used to move the shipment; and
- tt. Provide the number of articulated wells included (where applicable) in an individual railcar used to move an intermodal (or other) shipment.

REQUEST FOR PRODUCTION NO. 21

Please produce documents, in a computer readable format to the extent available, which contain complete information(including all events) tracking and describing car, locomotive and train movements for each car, locomotive and train moving on CSXT lines to, from or through the SARR States for each year or partial year 2008 to the present. Provide location information by station, state and SPLC.

REQUEST FOR PRODUCTION NO. 22

Please provide copies of the CSXT train dispatcher sheets (and the data recorded in such sheets in a computer readable format, to the extent available), or other documents (e.g., conductor wheel reports) that record train movement data in a computer readable format to the extent available, for all car and train movements and yard and hub operations on CSXT to, from or through the SARR States for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 23

Please provide all documents, including programs, decoders, and instructions, necessary to utilize, evaluate and link the data produced in response to Request for Production Nos. 20, 21 and 22. Please include with this production a description of the relationship between the databases (e.g., whether there is a 1:1 ratio between databases, or whether one can expect to link 100% of the records in one file to another file.) Please also indicate which data fields are common (and may be used to link) to the provided databases.

REQUEST FOR PRODUCTION NO. 24

Please produce all studies, analyses, reports, or other documents that evaluate or report on CSXT's implementation and recent update of its "ONE Plan" which, according to CSXT, is an internal company program for improving operating performance of the railroad and driving greater network efficiencies.

REQUEST FOR PRODUCTION NO. 25

Please produce all studies, analyses, reports, or other documents that evaluate or report on CSXT's implementation of its "Total Service Integration" ("TSI") initiative which, according to CSXT, is an internal company program for better aligning CSXT's operating capabilities with its customer demand.

REQUEST FOR PRODUCTION NO. 26

Please provide CSXT's geographic information system ("GIS") that captures, stores, analyzes, manages and presents CSXT data that are linked by locations across the CSXT rail system.

REQUEST FOR PRODUCTION NO. 27

Please provide the CSXT mileage chart and/or table-based mileage matrix and/or routing table that identifies the CSXT rail mileage between any two points on the CSXT rail system based upon a predominant or expected route of movement.

REQUEST FOR PRODUCTION NO. 28

Please provide working copies of the following analytical models or tools (including all necessary input data files) utilized by CSXT and/or CSXI to develop commercial and operational plans for CSXT:

1. TFA;
2. MREE;
3. ACT;
4. RCRMS;
5. RTC;
6. Corridor Analyzer;
7. SPCMS;
8. LFPS;
9. Crew Planning System;
10. Demand Forecasting Flowmap Tool; and
11. LSM.

REQUEST FOR PRODUCTION NO. 29

Please produce all transportation contracts, including all amendments and supplements thereto (or letters of understanding with appendices or attachments), and all tariffs, common carrier pricing authorities or other documents containing common carrier rate and service terms (collectively "pricing authorities"), entered into, agreed to or established or provided by CSXT which govern shipments handled by CSXT as originating, terminating, overhead or single-line carrier to, from or through any of the SARR States in any of the years 2008 and beyond. For each pricing authority, please provide the traffic volumes and revenues associated with the movement of traffic under each pricing authority by traffic group (e.g., coal, ag, intermodal, etc.) and year for 2008 through the present.

REQUEST FOR PRODUCTION NO. 30

Please produce all forecasts and all documents related to forecasts or projections prepared by or for CSXT from 2008 through the present, or in CSXT's possession, of future traffic volumes and/or revenues for freight traffic by traffic group (including any breakdowns of any such forecasts or projections whether by commodity classification, geographic region, line segment, or any other category) moving over any portion of the CSXT system located in any of the SARR States. Documents responsive to this request include, but are not limited to, traffic projections prepared in connection with engineering

studies or authorization for expenditures or marketing studies or operating expense budgets or capital budgets or mergers with or acquisitions of other carriers.

REQUEST FOR PRODUCTION NO. 31

Please produce all inflation and/or rail cost adjustment estimates or calculations in CSXT's possession or that CSXT prepared or caused to be prepared or purchased for each year or partial year 2008 to the present, including, but not limited to, any estimates relating to:

- a. The cost of acquiring equity;
- b. The cost of acquiring debt;
- c. General expenses, including, but not limited to, asset, equipment, materials and supplies, fuel and labor expense;
- d. Railroad productivity, including but not limited to commodity-specific productivity, asset productivity and expense productivity;
- e. Gross Domestic Product/Implicit Price Deflator;
- f. Producer Price Index - All Commodities;
- g. The U.S. Department of Energy's U.S. average price of Retail On-Highway Diesel Fuel; and
- h. Land values along or adjacent to CSXT's right of way in the SARR states.

REQUEST FOR PRODUCTION NO. 32

Please produce all documents that relate to the development of the methodology for the calculation and imposition of the "fuel surcharges" described in CSXT's Fuel

Surcharge Publication 8661-B and all predecessor documents, including but not limited to:

- a. Documents related to the determination to calculate the surcharge based upon the length of a line-haul movement;
- b. Documents related to the selection of the Retail On-Highway Diesel Fuel average price as the benchmark for the calculation of the surcharge; and
- c. All analyses, studies or other documents which address the relationship, if any, between the revenues from the surcharge to any specific movement(s) or group of movement(s) and changes in the actual cost to CSXT of the fuel consumed by the locomotives used in that (those) movement(s).

REQUEST FOR PRODUCTION NO. 33

To the extent not produced in response to Request for Production No. 32, please produce all documents which relate to the consideration of alternative fuel surcharge methodologies to that described in CSXT's Fuel Surcharge Publication 8661-B, and/or to the consideration of prospective changes or amendments to the methodology described in said publication.

REQUEST FOR PRODUCTION NO. 34

Please produce the databases, data warehouses, and computer programs (with all documentation related to these databases and computer programs), in a computer readable format, sufficient to show all the data requested in M&G's Request for Production No. 20 for each trailer, container, Auto Rack Car or freight car (used for a TRANSFLO shipment) handled by CSXT, including but not limited to revenue received from CSXI's, TDSI's and/or TRANSFLO's customers.

REQUEST FOR PRODUCTION NO. 35

Please provide documents and data sufficient to link data records for trailer, container, Auto Rack Car and/or freight cars (used for a TRANSFLO shipment) that CSXT will produce in response to Request for Production No. 34 to the corresponding data records appearing in the CSXT waybill/car movement/train movement records or files that CSXT will produce in response to M&G's Request for Production Nos. 20, 21 and 22. If there are no records for CSXT flat cars, Auto Rack Cars or freight cars (used for a TRANSFLO shipment) in the CSXT files that CSXT will produce in response to M&G's Request for Production Nos. 20, 21 and 22, please identify or produce documents sufficient to show the authority used by CSXT and CSXI, TDSI and/or TRANSFLO to move flat cars with CSXI trailers or containers, Auto Rack Cars and/or freight cars (used for a TRANSFLO shipment) that move over CSXT lines (in both directions) in the SARR States.

REQUEST FOR PRODUCTION NO. 36

Please produce the databases, data warehouses, and computer programs (with all documentation related to these data bases, data warehouses, and computer programs), in a computer readable format, sufficient to show all of the data requested in M&G's Request for Production No. 20, including but not limited to revenue received by CSXI from its

customers ("freight revenue"), in connection with traffic described in M&G's Request for Production No. 20, for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 37

Please produce documents which contain the following information for all coal mines that CSXT served or from which CSXT transported coal as an originating, intermediate or terminating carrier that moved in one or more of the SARR States for each year 2008 to the present:

- a. Geographic location, *i.e.*, city, county and state;
- b. Railroad location, *i.e.*, railroad station name, SPLC, and milepost;
- c. Railroad mine identification number corresponding to the identification numbers contained in CSXTs computerized traffic data, *e.g.*, SPLC (Standard Point Location Code), FSAC (Freight Station Accounting Code) or any other numbering system CSXT uses;
- d. Annual tonnages that CSXT transported from that mine;
- e. Track capacity in feet at each location separated between track owned by CSXT and track not owned by CSXT;
- f. The track configuration at each mine, with both the track that CSXT or another rail carrier owns (or jointly owns) and the mine-owned track clearly identified;
- g. Annual weeks of mine operation;
- h. Average tons per car loaded;
- i. Loading capacity (tons per hour); and
- j. If the mine has closed or ceased shipping coal, the date of such closure or of the last shipment.

REQUEST FOR PRODUCTION NO. 38

Please produce any studies, simulations, analyses and other documents in CSXT's possession from January 1, 2003 to present analyzing or related to the transportation of shipments to Destinations from Origins (a) by a rail carrier(s) other than CSXT, and (b) by any mode of transportation other than rail. If no such documents exist, please confirm same in the response to this Request.

REQUEST FOR PRODUCTION NO. 39

Please produce the following documents (in a computer-readable format to the extent available)

- a. Documents that show the rail line elevation and provide all information maintained by CSXT pertaining to those elevations including, but not limited to, division, subdivision, beginning milepost, ending milepost and elevation in feet above sea level for all CSXT line segments in the SARR states.
- b. Documents that identify all curves on the CSXT line segments in the SARR states and provide all information maintained by CSXT pertaining to those curves including, but not limited to, division, subdivision, beginning milepost, ending milepost and degree of curvature.

REQUEST FOR PRODUCTION NO. 40

Please produce documents (in computer readable format to the extent available) that identify and list the location and type of communications signals used for train operations by milepost, division, and subdivision on all CSXT line segments in the SARR states.

REQUEST FOR PRODUCTION NO. 41

Please produce documents (in computer readable format to the extent available) that depict individual tracks, connections to the main line, turnouts, communications, signals and elevations for all yards on the CSXT system which are located in the SARR states.

REQUEST FOR PRODUCTION NO. 42

Please produce all documents related to unplanned track-related and operating-related incidents or outages that affected train operations from 2008 to the present in the SARR States. If the information requested would require a special study, please produce random failure, outage or incident reports or similar documents, as kept in the ordinary course of business by CSXT, from which the requested data could be extracted.

REQUEST FOR PRODUCTION NO. 43

Please produce any studies or analyses currently being conducted, or that have been conducted over the past three (3) years, which model and evaluate rail operations over the entire CSXT rail system or any portion of the CSXT system that are based on the Rail Traffic Controller ("RTC") model. In addition to the results of such studies or analyses, please provide the following RTC information:

- a. Identify the version of the RTC computer model used in each study or analysis;
- b. Provide all electronic input files required to run the RTC model including, but not limited to, track input files, train input files, Form A and Form B files; and,

- c. Provide all electronic files generated as output from the RTC model for each study or analysis.

REQUEST FOR PRODUCTION NO. 44

Please produce documents related to the measurement and/or analysis of cycle and/or transit times for all CSXT movements originating, terminating or passing through any of the SARR States for each year or partial year from 2008 to the present. Included in this Request are documents containing the following information for each movement, in a computerized format to the extent available.

- a. Waybill number and date;
- b. Car/trailer initial and number;
- c. Origin location, *i.e.*, station, state, milepost, FSAC and SPLC;
- d. Destination location, *i.e.*, station, state, milepost, FSAC and SPLC;
- e. Cycle and/or transit time from origin to destination;
- f. Location (*i.e.*, station, state, milepost, FSAC and SPLC) where each shipment enters into or originates in the SARR States;
- g. Location (*i.e.*, station, state, milepost, FSAC and SPLC) where each shipment departs from or terminates in the SARR States; and
- h. Cycle and/or transit time while movement is within the SARR States.

REQUEST FOR PRODUCTION NO. 45

Please provide documents, in a computer-readable format to the extent available, sufficient to show the projected and actual cycle times, and the standard or expected or

contractual cycle time for each movement originating, terminating or passing through any of the SARR States for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 46

Please produce the computer model, supporting databases and supporting manuals that are used by CSXT to calculate the expected cycle time for a movement, including all necessary inputs required to run the model for each movement originating, terminating, or passing through any of the SARR States for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 47

Please produce documents that contain the following information for each of the years 2008 to present:

- a. The location(s) where car inspectors inspect trains in the SARR States;
- b. A description of the procedures followed by the car inspectors in preparing for and inspecting the trains;
- c. The total number of car inspections per tour of duty (by day of the week) and the total number of trains inspected per tour of duty (by day of the week), separated between trainload and unit trains and other than trainload or unit trains, for each location identified in response to (a) above;
- d. The number of car inspectors inspecting each train at each location identified in response to (a) above and the time spent by each inspector during each inspection;
- e. The daily or hourly rates of pay, including all additives, for the inspectors identified in response to (d) above;
- f. The number of trains each car inspector identified in response to (a) above inspects during his tour of duty;

- g. The other duties performed by the car inspectors identified in response to (d) above while on duty and not inspecting trains;
- h. The percentage of time the car inspectors identified in response to (d) above spend inspecting trains versus other assignments during their tour of duty;
- i. The materials and supplies used by the car inspectors at each of the locations identified in response to (a) above;
- j. The purchase price of each item identified in response to (i) above; and
- k. The total number of trains and cars inspected at each location identified in response to (a) above.

REQUEST FOR PRODUCTION NO. 48

For each car inspection location identified in response to Request for Production No. 47, subpart a., please produce documents that demonstrate for each year 2008 to the present:

- a. The number of cars inspected;
- b. The number of cars which are considered "bad ordered" and sent to a repair track in the vicinity of the inspection location;
- c. The number of cars which are considered "bad ordered" and required to be moved to a car repair facility; and
- d. The time required to perform each inspection.

REQUEST FOR PRODUCTION NO. 49

Please produce copies of all contracts/agreements with third parties (including but not limited to shippers or receivers) related to the performance of car inspection functions

with respect to all trains traversing any portion of the SARR States for each year 2006 to the present.

REQUEST FOR PRODUCTION NO. 50

Please produce any computer programs or models CSXT uses or has used in the past five years to determine the number and types of railcars required to move its normally expected traffic volumes and the incremental or above-normal volumes moving in peak periods.

REQUEST FOR PRODUCTION NO. 51

Please produce documents for each year or partial year 2008 to the present which list by initial and unit number: (a) locomotives used in the SARR States; and (b) if such locomotives listed in response to (a) above were drawn from a pool, all the locomotives in the pool from which the locomotives were drawn.

REQUEST FOR PRODUCTION NO. 52

Please produce documents, in a computer-readable format to the extent available, which provide the following information for each of the locomotives contained in each of the listings produced in response to Request for Production No. 51:

- a. The locomotive initial and number;
- b. The manufacturer, if purchased;
- c. The lessor, if leased or rented;
- d. Model or type (e.g., SD-40-2);

- e. Horsepower;
- f. Capacity of its fuel tanks (gallons);
- g. Weight;
- h. Date of purchase or lease;
- i. Date first placed into service;
- j. The original cost plus the cost of any additions and betterments;
- k. Financing vehicle (e.g., equipment trust);
- l. Debt rate as a percent;
- m. Financing terms (in years);
- n. Annual depreciation;
- o. Annual depreciation as a percent;
- p. Current salvage value as a percent;
- q. Accrued depreciation;
- r. If leased, the type of lease (i.e., capital, operating, "power by the hour", etc.);
- s. If a capital lease, the capitalized value of the lease by locomotive or group of locomotives (if a group of locomotives, the number of locomotives (by initial and number) and aggregate dollars);
- t. If an operating lease, the quarterly, semi-annual, etc., lease payment by locomotive or group of locomotives covering the term of the lease (if a group of locomotives, the number of locomotives (by initial and number) and aggregate dollars);
- u. If leased or rented under a short-term or "power by the hour" agreement, the minimum annual fixed payment and the use payment (e.g., per

kilowatt/hour, per diesel unit mile, etc.) per locomotive, the average annual payment per locomotive, and the annual locomotive unit-miles for each such locomotive, stated separately for coal service and other service; and

- v. The diesel unit-miles traveled each year or partial year from 2008 to the present in all types of service.

REQUEST FOR PRODUCTION NO. 53

Please produce all lease or rental agreements, including all supplements and copies of all billings, applicable to each leased or rented locomotive identified in response to Request for Production Nos. 51 and 52.

REQUEST FOR PRODUCTION NO. 54

Please produce documents which provide the following information for all CSXT helper services operated in the SARR States, separately for each helper service location, for each year or partial year 2008 to the present:

- a. "From" and "To" stations, SPLC's and mileposts where trains are actually helped;
- b. Number and type of locomotives (model and horsepower) involved per help;
- c. Round-trip mileage each locomotive travels per help;
- d. Number of total trains helped per crew assignment;
- e. Minimum train size/weight requiring helper service; and
- f. Crew size per crew assignment.

REQUEST FOR PRODUCTION NO. 55

Please produce documents sufficient to show the following information:

- a. The location(s) where locomotives are fueled in the SARR States;
- b. The actual amount of fuel used by the locomotives identified in response to Request for Production No. 51, either by individual locomotive, or collectively, for the most recent 12 months or calendar year;
- c. The total number of diesel unit miles generated by the locomotives for which fuel consumption data was provided in response to (b) above during the same time period used in response to (b) above.
- d. The method by which CSXT accounts for or records fuel usage for locomotives;
- e. Computer-readable versions (both compiled and non-compiled), including all supporting databases and necessary documentation, of any and all computer programs in CSXT's possession used to estimate the fuel usage of locomotives; and
- f. The same information for all road locomotives on the CSXT system in the same format as that given in the responses to (b), (c), and (e) above.

REQUEST FOR PRODUCTION NO. 56

Please produce all studies, analyses and related documents (including summaries, computer programs and all supporting databases and data), in a computer-readable format to the extent available, pertaining to the fuel consumption or the measurement of the fuel consumption by CSXT trains (or the locomotives used on CSXT trains) moving through any portion of the SARR States for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 57

Please produce the train list(s) and train profile(s) showing the scheduled horsepower per ton ("HPT") for all trains operating to, from or within the SARR States. If the train list(s) or train profile(s) are not available, please provide other documents sufficient to show the scheduled HPT for the trains identified above.

REQUEST FOR PRODUCTION NO. 58

Please produce copies of the following documents:

- a. Documents which identify the locomotive tonnage ratings (*e.g.* horsepower per trailing ton) by line segment for CSXT's lines in the SARR States; and
- b. Tractive effort tables or other documents sufficient to show the tractive effort produced by the locomotives used to transport trains through any portion of the SARR States.

REQUEST FOR PRODUCTION NO. 59

Please produce documents, in a computer readable format to the extent available, which show locomotive utilization and locomotive performance (*e.g.*, locomotive unit-miles, locomotive hours running, locomotive hours switching, locomotive hours out-of-service for repairs and locomotive hours stored useable) for each locomotive that CSXT owned or leased for each year or partial year 2008 to the present and that CSXT used in providing transportation service in the SARR States.

REQUEST FOR PRODUCTION NO. 60

Please produce documents which describe and explain how CSXT assigns locomotives to each train on CSXT's system. If CSXT uses a computer model for this

purpose, please produce the model and all supporting data bases and operating manuals necessary to operate the model.

REQUEST FOR PRODUCTION NO. 61

Please produce any studies performed by or for CSXT from January 1, 2003 to the present related to the increase in locomotives required to handle shipments during seasonal peak traffic periods. In addition, please provide the underlying databases that were used to perform each study.

REQUEST FOR PRODUCTION NO. 62

Please produce any studies performed by or for CSXT from January 1, 2003 to the present related to the increase in the number of railcars required to handle shipments during seasonal peak traffic periods. In addition, please provide the underlying databases that were used to perform each study.

REQUEST FOR PRODUCTION NO. 63

Please produce any locomotive spare margin study performed by CSXT from January 1, 2003 to date that includes (in whole or in part) locomotives used (a) in coal service and/or (b) in other service to, from or through the SARR States. In addition, please produce the underlying databases that were used to perform each study.

REQUEST FOR PRODUCTION NO. 64

Please produce any railcar spare margin study performed by or for CSXT from January 1, 2003 to the present that includes (in whole or in part) railcars used: (a) in coal

service; and/or (b) in other service to, from or through the SARR states. In addition, please produce the databases that were used to perform each study.

REQUEST FOR PRODUCTION NO. 65

Please produce documents or data, in a computer-readable format to the extent available, which provide the following information for each crew district in the SARR States:

- a. Each crew district identified by "from" and "to" stations;
- b. The route miles in each such crew district; and
- c. The number of locomotive units per train by train type (i.e., coal, general freight, automotive, intermodal, etc.) and the extent to which the locomotive units are in a distributed power train configuration;

REQUEST FOR PRODUCTION NO. 66

Please identify all origins where CSXT pays an outside contractor or third party to load coal trains, and with respect to each such origin, please produce the following for each year 2008 to the present:

- a. Copies of all third party loading crew contracts/agreements, including negotiated rates and associated rate escalation clauses and operating provisions, as well as a description of the service performed by the contractor; and
- b. All records in CSXT's or its loading contractor's possession relating to the contractor's handling of the trains, including but not limited to the time when each train was in the possession or under the control of the loading contractor.

REQUEST FOR PRODUCTION NO. 67

Please provide a copy of any CSXT operating rules related to the special handling of hazardous materials (provide the requested information by class of hazardous material), including, but not limited to, rules related to:

- a. Placement of cars containing hazardous materials in a train;
- b. The number and location of buffer cars required, if any, when handling hazardous materials in trains; and
- c. Special routing instructions for trains containing hazardous materials.

REQUEST FOR PRODUCTION NO. 68

For each CSXT rail yard referred to in Interrogatory No. 7, please produce documents sufficient to identify switch crew assignments, hump crew assignments, Local Train assignments, the number of cars handled over each hump yard per day and the number of hazardous material cars handled at each hump yard per day which by-pass the hump operation at each yard.

REQUEST FOR PRODUCTION NO. 69

Please produce documents that contain the information requested by Interrogatory No. 8.

REQUEST FOR PRODUCTION NO. 70

Please produce copies of any documents, reports, analyses or studies provided to any Federal or state agencies which discuss or describe CSXT's compliance with regulations for handling, routing or proposed routing of hazardous materials.

REQUEST FOR PRODUCTION NO. 71

Please produce a copy of CSXT's rules pertaining to train handling, including but not limited to measures for conserving fuel.

REQUEST FOR PRODUCTION NO. 72

Please produce documents, in a computer-readable format to the extent available, which describe (a) how CSXT determines the dispatch priority given to each train type (*e.g.*, doublestack, priority intermodal, through, general freight, unit coal, *etc.*); and (b) CSXT's methodology for scheduling all trains by train type.

REQUEST FOR PRODUCTION NO. 73

Please produce all agreements between CSXT and Norfolk Southern Railway Company ("NS") or their affiliates, and any amendments thereto, implementing the grant to CSXT of equal access to the MGA coal region in connection with the Conrail control transaction approved by STB in Finance Docket No. 33388 (Decision No. 89, Ordering Paragraph 26), including, but not limited, to agreements governing CSXT's and NS's operations on the MGA lines and any payments made between CSXT and NS related to

capital improvements, maintenance expenses and/or operating expenses on the MGA lines.

REQUEST FOR PRODUCTION NO. 74

Please produce all documents prepared from January 1, 2003 to date related to any planned capacity enhancements or capital improvements on CSXT rail lines in the SARR States, including, but not limited, to documents containing estimated or actual construction costs and documents related to changes in rail rates or rail pricing strategy, in connection with any such plans.

REQUEST FOR PRODUCTION NO. 75

Please produce the following for all joint facility or joint use agreements (including, but not limited, to trackage rights agreements, joint or common ownership agreements and lease agreements and any amendments thereto) between CSXT and any other rail carrier or other entity applicable to any of the railroad lines and/or facilities in the SARR States:

- a. Copies of all agreements (including all amendments and supplements);
- b. Copies of all bills from 2008 to the present (including all supporting documentation and data);
- c. The CSXT density over the joint facility for 2008 to the present; and,
- d. The density of all other rail carriers or entities over the joint facility for 2008 to the present.

REQUEST FOR PRODUCTION NO. 76

For each year or partial year 2006 to the present, please produce documents that contain the following information, in a computer-readable format to the extent available, for each of the end-of-train telemetry devices ("EOTD") used on any trains that traverse any portion of the SARR States:

- a. The date of purchase;
- b. The original cost and the cost of any additions and betterments;
- c. The debt rate as a percent;
- d. The financing terms (in years);
- e. The annual depreciation;
- f. The annual depreciation rate as a percent;
- g. The salvage value as a percent; and
- h. The accumulated depreciation.

REQUEST FOR PRODUCTION NO. 77

Please produce documents for each year or partial year 2006 to the present that contain the following, in a computer readable format, for each freight car purchased or leased by CSXT (including freight cars currently on order and privately-owned freight cars leased by CSXT that maintain the private owner=s car initial and number):

- a. Initial and number;
- b. Manufacturer;

- c. Lessor, if leased;
- d. AAR car type;
- e. Tare weight;
- f. Purchase or order date, if purchased;
- g. Lease or order date, if leased;
- h. Total purchase price, if purchased;
- i. If leased, the type of lease (e.g., capital, operating, etc.) and term;
- j. If leased, the amount and frequency of lease payments;
- k. If purchased, the AFE applicable to each purchased freight car; and
- l. If leased, the lease agreement including all supplements, amendments, exhibits and applicable schedules.

REQUEST FOR PRODUCTION NO. 78

Please produce documents for each year or partial year 2006 to the present that contain the following, in a computer readable format, for each trailer (chassis) or container purchased or leased by CSXT (including trailers/containers currently on order and privately-owned trailers and containers leased by CSXT):

- a. Initial and number;
- b. Lessor, if leased;
- c. Tare weight;
- d. Purchase or order date, if purchased;
- e. Lease or order date, if leased;

- f. Total purchase price, if purchased;
- g. If leased, the type of lease (e.g., capital, operating, etc.) and term;
- h. If leased, the amount and frequency of lease payments;
- i. If purchased, the AFE applicable to each purchased trailer or container; and
- j. If leased, the lease agreement including all supplements, amendments, exhibits and applicable schedules.

REQUEST FOR PRODUCTION NO. 79

Please produce documents for each year or partial year 2006 to the present, that contain the following, in a computer readable format if available, for each trailer (chassis) or container purchased or leased by CSXI (including privately-owned trailers or containers leased by CSXI and trailers or containers currently on order):

- a. Initial and number;
- b. Lessor, if leased;
- c. Tare weight;
- d. Purchase or order date, if purchased;
- e. Lease or order date, if leased;
- f. Total purchase price, if purchased;
- g. If leased, the type of lease (e.g., capital, operating, etc.) and term;
- h. If leased, the amount and frequency of lease payments;
- i. If purchased, the AFE applicable to each purchased trailer or container; and

j. If leased, the lease agreement including all supplements, amendments, exhibits and applicable schedules.

REQUEST FOR PRODUCTION NO. 80

Please produce documents sufficient to describe, in detail, all facilities, equipment, infrastructure or other physical assets of any kind, other than those that are described in Request for Production No. 79, that are or have been owned or leased by CSXI, and used by CSXI in connection with the provision of services for which it receives revenue, for each year or partial year 2006 to the present.

REQUEST FOR PRODUCTION NO. 81

Please produce documents for each year or partial year 2006 to the present, that contain the following, in a computer readable format if available, for each Auto Rack Car and/or Auto Rack which attaches to a flat car purchased or leased by CSXT or TDSI (including privately-owned Auto Rack Cars leased by CSXT or TDSI and Auto Rack Cars currently on order):

- a. Initial and number;
- b. Lessor, if leased;
- c. Tare weight;
- d. Purchase or order date, if purchased;
- e. Lease or order date, if leased;
- f. Total purchase price, if purchased;
- g. If leased, the type of lease (e.g., capital, operating, etc.) and term;

- h. If leased, the amount and frequency of lease payments;
- i. If purchased, the AFE applicable to each purchased trailer or container; and
- j. If leased, the lease agreement including all supplements, amendments, exhibits and applicable schedules.

REQUEST FOR PRODUCTION NO. 82

Please produce documents sufficient to describe, in detail, all facilities, equipment, infrastructure or other physical assets of any kind, other than those that are described in Request for Production No. 81, that are or have been owned or leased by TDSI, and used by TDSI in connection with the provision of services for which it receives revenue, for each year or partial year 2006 to the present.

REQUEST FOR PRODUCTION NO. 83

Please produce documents for each year or partial year 2006 to the present, that contain the following, in a computer readable format if available, for each freight car purchased or leased by TRANSFLO (including privately-owned freight cars leased by TRANSFLO and freight cars currently on order):

- a. Initial and number;
- b. Lessor, if leased;
- c. Tare weight;
- d. Purchase or order date, if purchased;
- e. Lease or order date, if leased;
- f. Total purchase price, if purchased;

- g. If leased, the type of lease (e.g., capital, operating, etc.) and term;
- h. If leased, the amount and frequency of lease payments;
- i. If purchased, the AFE applicable to each purchased trailer or container; and
- j. If leased, the lease agreement including all supplements, amendments, exhibits and applicable schedules.

REQUEST FOR PRODUCTION NO. 84

Please produce documents sufficient to describe, in detail, all facilities, equipment, infrastructure or other physical assets of any kind, other than those that are described in Request for Production No. 83, that are or have been owned or leased by TRANSFLO, and used by TRANSFLO in connection with the provision of services for which it receives revenue, for each year or partial year 2006 to the present.

REQUEST FOR PRODUCTION NO. 85

Please produce all railcar repair and maintenance records, reports, databases and related documents which include or record rail car repair and maintenance expenses for each year or partial year 2008 to the present, including but not limited to all input data to schedules 415 and 755 of CSXT's R-1, and the total rail car-miles corresponding to these repair and maintenance expenses, in a computer readable format to the extent possible, for all freight cars in the CSXT system. To the extent that these records, reports and databases do not include all car repair and maintenance amounts reported in R-1 Schedule 410, please identify the expenses that are excluded.

REQUEST FOR PRODUCTION NO. 86

For each year 2008 to the present, please produce documents which contain the following information (in a computer-readable format, if available) with respect to each shipper-owned and shipper-leased railcar and each intermodal and automotive railcar provided by a third party moving over any part of the CSXT system located in the SARR States:

- a. Initial and number of the car;
- b. The AAR car type;
- c. The length, tare weight, load capacity (number of containers, trailers or automobiles) and load limit (tons) of the car (for intermodal and automotive cars only);
- d. The cost to CSXT for use of the car;
- e. The terms of any mileage allowance agreement covering the car;
- f. Whether the car is subject to a zero-based mileage agreement;
- g. Whether the car hire paid on the car is subject to refund of the payments under certain contractual conditions; and
- h. The year of manufacture of the car.

REQUEST FOR PRODUCTION NO. 87

Please produce all railcar maintenance agreements with outside contractors, including all supplements, attachments, exhibits and schedules, for each year or partial year 2006 to the present, for all the cars on CSXT's system. Also provide the documents identifying (a) the dollar amount paid for each service performed under the agreement by

individual car or by car type; and (b) the number of car-miles corresponding to the amounts referenced in Request for Production No. 87, subpart a.

REQUEST FOR PRODUCTION NO. 88

Please produce all CSXT locomotive maintenance and repair records and/or reports and related documents for each year or partial year 2006 to the present, which provide locomotive maintenance, repair and overhaul expenses by locomotive or locomotive type or series (or by other basis in which records are kept) and the total locomotive unit-miles corresponding to these maintenance, repair and overhaul expenses for the locomotives identified in response to Request for Production No. 52 above. To the extent that these records and/or reports do not include all locomotive repair, maintenance, and overhaul amounts reported in R-1 Schedule 410, please identify those expenses that are not included.

REQUEST FOR PRODUCTION NO. 89

Please produce all locomotive maintenance agreements, including all supplements, attachments, exhibits and schedules, with outside contractors and provide, for each year or partial year 2006 to the present for all locomotives in the CSXT fleet under such maintenance agreements: (a) the amount paid for each locomotive or by locomotive type in total and broken down by each service performed under the agreement; and (b) the number of locomotive unit miles corresponding to the amounts listed above.

REQUEST FOR PRODUCTION NO. 90

Please produce documents that show in detail all items of expense and the associated dollar amount of each expense item included in CSXT's R-1 Annual Report to the STB Schedule 410, Column (c), Lines 202, 403 and 411, for years 2008 and 2009.

REQUEST FOR PRODUCTION NO. 91

Please identify all locations in the SARR States where CSXT or a third party/contractor acting for or on behalf of CSXT performs fueling of locomotives, and produce documents sufficient to show the following information with respect to locomotive fueling at each location:

- a. The source(s) of the fuel, including the name and location of the vendor(s) who provide the fuel to CSXT and the refinery(ies) or other location from which the fuel is obtained;
- b. The method and cost of transporting and dispensing the fuel from the refinery(ies) or other locations from which the fuel is obtained to the location where the fueling of locomotives is performed;
- c. The method by which fuel is dispensed into locomotives, *i.e.* from fixed fueling platforms or by direct-to-locomotive (tanker truck) service; and
- d. A description of the facilities and equipment (including but not limited to fuel storage tanks) at each location where CSXT has fixed fueling platforms.

REQUEST FOR PRODUCTION NO. 92

Please produce copies of all contracts/agreements with third parties related to the performance of locomotive fueling functions for all locomotives that are used on any portion of the CSXT system located in the SARR States.

REQUEST FOR PRODUCTION NO. 93

For each of the years 2008 to the present, please produce the detailed annual and quarterly Wage Forms A and B that support the summary Wage Forms A and B provided to the STB.

REQUEST FOR PRODUCTION NO. 94

Please produce for each year or partial year 2008 to the present documents (in a computer readable format) which show for each CSXT individual locomotive engineer, conductor, dispatcher and equipment inspector, the number of shifts worked per year, their length of employment, and their annual compensation.

REQUEST FOR PRODUCTION No. 95

Please produce documents sufficient to show the applicable wage rates for CSXT's maintenance of way employees by job classification for each year 2008 to the present.

REQUEST FOR PRODUCTION NO. 96

Please produce documents showing the amount(s) paid by CSXT to a recruitment firm or firms for executive search service in each of the years 2006 to the present. The documents should include the amount paid by individual, the position of the individual hired and the basis for the recruitment firm's fee schedule. As used in this Request, the term "executive" means those employees so defined or grouped in CSXT's Wage Forms A and B.

REQUEST FOR PRODUCTION NO. 97

Please provide documents sufficient to show CSXT's existing maintenance-of way plan and staffing in the SARR States including the maintenance-of-way districts and/or crews employed by CSXT to maintain the (a) track, (b) signals and communications facilities, (c) bridges and (d) all other facilities and structures in the SARR States, the number of CSXT employees by job classification presently assigned to each maintenance-of-way district or crew on both a permanent and a seasonal basis, and any changes in the maintenance districts, crews, and number and classification of employees that have occurred since January 1, 2003.

REQUEST FOR PRODUCTION NO. 98

For maintenance of way (including inspection of bridges, tunnels and highway crossings) and/or construction of or on CSXT lines in the SARR States performed by contractors for the period from 2007 to the present, please produce copies of all bills for services, documents which contain a description of the line location of the contract inspection, repairs (including vegetation control, rail grinding and other maintenance items) and/or construction, and the details of the work performed, including labor and materials. If CSXT does not maintain copies of any of these documents, produce whatever documents CSXT does maintain or has available to it describing the costs incurred by CSXT and the details of the work performed, in a computer readable form if applicable (including all necessary documentation).

REQUEST FOR PRODUCTION NO. 99

Please provide documents showing the amounts paid by CSXT for training employees by year from 2007 to the present and the number of employees trained including, but not limited to, training employees hired for each of the following positions:

- a. Experienced locomotive engineers;
- b. Experienced locomotive conductors;
- c. Locomotive conductors training to become engineers;
- d. Novice conductors;
- e. Train dispatchers;
- f. Information technology programmers;
- g. Supervisors of maintenance operations;
- h. Maintenance crew members; and
- i. Equipment inspectors.

The amounts paid by CSXT for training employees should include, but not be limited to, wages paid per employee during classroom training, wages paid per employee during field or on the job training, fringe benefits paid during classroom training, fringe benefits paid during field or on the job training, costs for classroom training per employee, costs for on the job training or field training per employee, expenses for room and board during classroom training and during field training per employee. Also please provide the number of weeks of classroom training required for each type of employee and the number of weeks of on the job or field training required for each type of employee.

REQUEST FOR PRODUCTION NO. 100

Please produce documents showing the ad valorem taxes that CSXT paid for each year 2008 to the present to each of the SARR States, together with documents showing the total route-miles and total track-miles CSXT owned or owns in the SARR States for each year 2008 to the present. Also, produce documents showing how the amount of ad valorem taxes due were calculated by state in each year.

REQUEST FOR PRODUCTION NO. 101

Please provide documents for each year or partial year 2008 to the present which provide CSXT's loss and damage costs separately for all commodities CSXT carries on a system-wide basis.

REQUEST FOR PRODUCTION NO. 102

Please provide information related to any liability expense incurred as a result of CSXT's handling hazardous materials for each year 2007 to the present. For each liability expense incurred, please provide the following:

- a. The total amount of the liability expense;
- b. The STCC of hazardous material involved with the incurrence of the expense;
- c. The number of rail cars involved with the incurrence of the expense; and
- d. Any reimbursement of all or a portion of the liability expense, or other reimbursement which offset all or a portion of the liability expense received by CSXT from any third party.

REQUEST FOR PRODUCTION NO. 103

Please provide information related to any additional operating or administrative expenses incurred by CSXT for each year from 2007 to the present as a result of handling hazardous materials, including, but not limited to, items such as switching expenses, insurance expenses, station clerical, car cleaning expenses, accident clean-up expenses and/or billing expenses. For each expense identified, please provide:

- a. The total amount of the annual expense for each year;
- b. The class or classes of hazardous material to which the expense applies; and
- c. The number of annual carloads handled each year to which the expense applies.

REQUEST FOR PRODUCTION NO. 104

Please provide documents identifying the maintenance-of-way equipment owned or leased by CSXT that is assigned to the maintenance-of-way districts identified in response to Request for Production No. 97. For each piece of owned equipment, please provide the original cost and the year purchased. For each piece of leased equipment, please provide a copy of the lease and the lease payment schedule. For each piece of equipment, either leased or owned, please provide documents that show the annual cost of maintenance and fueling.

REQUEST FOR PRODUCTION NO. 105

Please produce the following agreements:

- a. The "operating agreement" between CSXT and CSXI for reimbursement of "an amount that approximates actual costs" as described in CSXT's 2009 Class I Annual Report Form R-1, page 15;
- b. The agreement between CSXT and TDSI related to the "charges from TDSI for services to the Respondent at automobile ramps" as described in CSXT's 2009 Class I Annual Report Form R-1, page 15;
- c. The agreement between CSXT and TRANSFLO related to the "charges from TRANSFLO for services to the Respondent at bulk commodity facilities" that are "calculated based on direct costs" as described in CSXT's 2007 Class I Annual Report Form R-1, page 14C;
- d. The agreement between CSXT and CSX Technology related to the "data processing charges" that are "based on a mark-up of direct costs" as described in CSXT's 2009 Class I Annual Report Form R-1, page 15; and
- e. The agreement between CSXT and CSX Corporation related to the "management service fee charged by CSX as compensation for certain corporate services provided to Respondent" that are "calculated as a percentage of the Respondent's revenue" as described in CSXT's 2009 Class I Annual Report Form R-1, page 15.

REQUEST FOR PRODUCTION NO. 106

Please produce documents identifying and explaining for each year or partial year

2008 to the present:

- a. The procedures by which CSX Corporation develops bills or invoices to CSXT for the "management service fee" referenced in CSXT's 2009 Class I Annual Report Form R-1, page 15;
- b. The procedures and calculations underlying the development of the

"percentage of Respondent's revenue" referenced in CSXT's 2009 Class I Annual Report Form R-1, page 15; and

c. The STB account(s) in which CSXT records the payments made to CSX Corporation for the "management service fee" referenced in CSXT's 2009 Class I Annual Report Form R-1, page 15.

REQUEST FOR PRODUCTION NO. 107

Please produce documents identifying and explaining for each year or partial year 2008 to the present:

- a. The procedures by which CSX Technology develops bills or invoices to CSXT for the "data processing charges" referenced in CSXT's 2009 Class I Annual Report Form R-1, page 15;
- b. A detailed description of the services provided by CSX Technology to CSXT;
- c. CSX Technology's "direct costs" referenced in CSXT's 2009 Class I Annual Report Form R-1, page 15;
- d. The procedures and calculations underlying CSX Technology's development of the "mark-up of direct costs" referenced in CSXT's 2009 Class I Annual Report Form R-1, page 15; and
- e. The STB account(s) in which CSXT records the payments made to CSX Technology for the "data processing charges" referenced in CSXT's 2009 Class I Annual Report Form R-1, page 15.

REQUEST FOR PRODUCTION NO. 108

Please produce documents identifying and explaining the procedures by which CSXT develops the bills or invoices to CSXI, TDSI and TRANSFLO for rail-related transportation services. For each component of each CSXT bill or invoice, please identify and produce documents identifying the STB accounts in which CSXT records the

payments received from CSXI, TDSI and TRANSFLO, as well as the following information for CSXI, TDSI and TRANSFLO for each year or partial year 2008 to the present:

- a. Total revenues;
- b. Amounts received to cover transloading costs;
- c. Amounts received to cover payments for costs associated with other transportation modes, e.g., over-highway truck costs, water vessel costs, etc.;
- d. Amounts paid to CSXT
- e. Overhead and administrative costs; and
- f. Margin or profit.

REQUEST FOR PRODUCTION NO. 109

Please provide documents sufficient to show the following for each intermodal yard or terminal served by CSXI in the SARR States:

- a. Each asset owned or leased by CSXT;
- b. Each asset owned or leased by CSXI;
- c. Each asset owned or leased by an entity other than CSXT or CSXI; and
- d. All acquisition information and lease or other use payment information for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 110

Please provide documents sufficient to show the following for each Automotive Distribution Center served by TDSI in the SARR States:

- a. Each asset owned or leased by CSXT;
- b. Each asset owned or leased by TDSI;
- c. Each asset owned or leased by an entity other than CSXT or TDSI; and
- d. All acquisition information and lease or other use payment information for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 111

Please provide documents sufficient to show the following for each bulk terminal served by TRANSFLO in the SARR States:

- a. Each asset owned or leased by CSXT;
- b. Each asset owned or leased by TRANSFLO;
- c. Each asset owned or leased by an entity other than CSXT or TRANSFLO; and
- d. All acquisition information and lease or other use payment information for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 112

Please produce documents sufficient to show the location, size (including square footage, number and lengths of tracks, capacity, etc.), components (such as equipment and machinery), original cost and year built for each facility located on any portion of CSXT's system in the SARR States that falls within each of the following categories of facilities:

- a. Roadway maintenance facilities;
- b. Locomotive maintenance facilities;

- c. Locomotive servicing facilities;
- d. Administrative facilities;
- e. Rail yards;
- f. Dispatch centers;
- g. Freight car repair and maintenance facilities;
- h. Scales;
- i. Wastewater treatment plants;
- j. Snowshed facilities;
- k. Train, yard and engineman facilities;
- l. Automotive Distribution Centers;
- m. Intermodal terminals and yards;
- n. River transload facilities; and
- o. Lake transload facilities.

REQUEST FOR PRODUCTION NO. 113

Please provide for each year 2008 to the present for each facility identified in response to Request For Production No. 112, subparts (l), (m), (n) and (o):

- a. The annual costs to operate each facility separated by function; and
- b. The annual throughput of each facility (e.g., automobiles, containers, trailers, carloads, etc.).

REQUEST FOR PRODUCTION NO. 114

Please produce documents supporting the security procedures at each location identified in response to Interrogatory Nos. 7 (i), 13 (f), 15 (d) and 17 (f) including, but not limited to, the following for each year or partial year 2006 to the present:

- a. Staffing requirements by job classification;
- b. Material requirements;
- c. Transportation requirements;
- d. Facility requirements;
- e. Other requirements not included in a, b, c or d above;
- f. The annual costs incurred for the security at each location broken down by category of expense, e.g., labor, materials, purchased services, etc.;
- g. The entity responsible for paying the annual security costs at each location, e.g., CSX Corporation, CSXT, CSXI, TDSI, TRANSFLO, etc., and the portion paid by each entity in dollars or percentages; and
- h. The STB accounts where any costs incurred by CSXT are recorded.

REQUEST FOR PRODUCTION NO. 115

Please produce documents sufficient to describe, in detail, all personnel employed by CSXI, TDSI, and/or TRANSFLO in connection with the provision of services for which each receives freight revenue, for each year or partial year 2008 to the present, including but not limited to each employee's position and responsibilities; annual compensation (including all benefits); and for employees who do not dedicate 100% of

their on-duty time to the provision of services described herein, the percentage of each such employee's time that is so dedicated.

REQUEST FOR PRODUCTION NO. 116

Please produce documents sufficient to describe, in detail, all services purchased by CSXI, TDSI and/or TRANSFLO from third parties that are necessary or incidental to the provision of services by each for which each receives revenue, including but not limited to all amounts paid for such third party services, for each year or partial year 2008 to the present.

REQUEST FOR PRODUCTION NO. 117

For each company identified as providing outsourced services in response to Interrogatory No. 18, please provide documents which describe the services outsourced, the fees paid for the outsourced services, and the analyses which developed the estimated and/or actual savings realized by CSX and each of its subsidiaries from such outsourcing.

REQUEST FOR PRODUCTION NO. 118

Please produce all documents relating to any contribution or payment by any governmental or quasi-governmental entity (including, without limitation, AMTRAK) for construction, upgrading and/or maintenance of any CSXT track, facility or structure (including bridges, at-grade highway crossings and grade separated crossings) and/or operating expenses on any of CSXT's lines located in the SARR States.

REQUEST FOR PRODUCTION NO. 119

Please provide documents containing the following information separately for ultrasonic rail testing and track geometry testing:

- a. The cost per mile, or other applicable unit of measure, for each year 2008 to the present; and
- b. CSXT's specifications for the frequency of such testing.

REQUEST FOR PRODUCTION NO. 120

Please produce copies of the most current land valuation maps for CSXT rail lines located in the SARR States, and all documents (including but not limited to deeds or other instruments of grant or conveyance) related to the parcels identified on those maps.

REQUEST FOR PRODUCTION NO. 121

Please produce documents identifying all donated rights of way and/or land grants (including easements) obtained by CSXT or CSXT's predecessors in connection with the construction of any rail lines or facilities located in the SARR States. The documents provided should include the following for each donated or easement land parcel:

- a. The CSXT parcel number;
- b. The exact location of the parcel, including county and state;
- c. Valuation section and map number;
- d. Original railroad acquiring the parcel;
- e. Type of instrument and/or title, e.g. easement, right-of-way deed, quit claim deed, condemnation, grant, etc.

- f. The size of the parcel in square feet or acres;
- g. The date of the transaction;
- h. The names of the parties to the transaction; and
- i. Any dollar amount associated with the transaction.

REQUEST FOR PRODUCTION NO. 122

Please produce all documents related to any sale, appraisal, abandonment or acquisition of land (improved and unimproved) that CSXT completed in the SARR States, including but not limited to documents showing the location of the parcel, size of the parcel, the valuation of the parcel by CSXT, the sale or acquisition price, a description of any improvements to the parcel, the value of any improvements, the date of sale, and any characteristics of the parcel such as land use, utilities, access and topography.

REQUEST FOR PRODUCTION NO. 123

Please produce documents sufficient to show the following for construction projects that CSXT has undertaken since January 1, 2007:

- a. Construction standards, details and project specifications, including but not limited to: track structures and designs; bridges; culverts; yard and roadway buildings; fueling facilities; maintenance facilities and waste water treatment facilities;
- b. Whether or not the project was performed “under traffic”, i.e., traffic continued to move through the construction area;
- c. Estimating procedures for track construction projects; and
- d. Estimating procedures for non-track construction projects.

REQUEST FOR PRODUCTION NO. 124

Please produce all of CSXT's price list books governing prices for construction and maintenance materials (including but not limited to weights of rail from 115 lb to 141 lb, turnouts, ties, fasteners, lubricators, plant and field welds, fencing, roadway signs, track geometry cars, hot bearing and dragging equipment detectors, and related tools), or other documents utilized by CSXT's engineering personnel for estimating costs of maintenance and construction projects for each year or partial year 2007 to the present. To the extent that the charges for transportation and delivery of materials are not included in the prices shown, please produce documents sufficient to show such charges for all materials.

REQUEST FOR PRODUCTION NO. 125

Please produce documents sufficient to show the following with respect to grading construction activities undertaken or proposed at any time, or currently ongoing, on any portion of CSXT's system located in SARR States:

- a. Number of cubic yards of excavation of:
 - i. Common earth;
 - ii. Loose rock;
 - iii. Solid rock; and
 - iv. Unclassified material;

- b. Number of cubic yards of embankment of:
 - i. Common earth;
 - ii. Loose rock;
 - iii. Solid rock; and
 - iv. Unclassified material;

- c. Number of cubic yards of borrow of:
 - i. Common earth;
 - ii. Loose rock;
 - iii. Solid rock; and
 - iv. Unclassified material;
- d. Grading construction data for each construction specification measured by CSXT including without limitation, roadbed width, side slope ratio, track center distance, presence of access roads, impact of grading activities on right-of-way width, use of geotextiles, use of water, soil stabilization, and width and depth of side ditches;
- e. Number of route miles, separated between single track main, double track main, triple track main, etc., corresponding to the cubic yard information described in paragraphs (i) through (iv) of Subparts (a), (b) and (c) of this Request;
- f. Number of track-miles corresponding to the cubic yards in paragraphs (i) through (iv) of Subparts (a), (b) and (c) of this Request;
- g. All of the different types of equipment (and the associated tasks) used to:
 - i. Excavate common earth;
 - ii. Excavate loose rock;
 - iii. Excavate solid rock;
 - iv. Excavate unclassified material; and
 - v. Obtain borrow material;
- h. Linear feet of pipe installed for lateral drainage;
- i. Number of cubic yards of rip rap placed for the protection of the roadway;
- j. Location, type and quantity of retaining walls;
- k. Construction method, including but not limited to the number of cubic yards of masonry or other similar material, used for retaining walls;
- l. Number of acres cleared;
- m. Number of acres grubbed; and

- n. Number of acres seeded.

REQUEST FOR PRODUCTION NO. 126

To the extent CSXT incurred any of the following expenses during the years 2007 to the present, please produce documents sufficient to show the costs CSXT incurred during each year for the following:

- a. CSXT's cost per cubic yard of excavation for:
 - i. Common earth;
 - ii. Loose rock;
 - iii. Solid rock; and
 - iv. Unclassified material;
- b. CSXT's cost per cubic yard of embankment for:
 - i. Common earth;
 - ii. Loose rock;
 - iii. Solid rock; and
 - iv. Unclassified material;
- c. CSXT's cost per cubic yard of borrow for:
 - i. Common earth;
 - ii. Loose rock;
 - iii. Solid rock; and
 - iv. Unclassified material;
- d. CSXT's cost per cubic yard of rip rap (installed), separated between material and labor;
- e. CSXT's unit cost for each material type used for retaining walls, separated between material and labor;
- f. CSXT's cost per acre for clearing timber and any credits reflecting the sale of timber;
- g. CSXT's cost per acre for grubbing;
- h. CSXT's cost per acre for seeding;

- i. CSXT's cost per acre for weed spray (including necessary chemicals);
- j. CSXT's cost per acre or per mile for brush cutting; and
- k. CSXT's cost per square yard for geotextile fabric.

REQUEST FOR PRODUCTION NO. 127

Please produce documents sufficient to show culvert/drainage pipe locations (*i.e.*, railroad milepost), size (diameter), length, height of cover, number of tracks crossed, type, and cost of material and installation for each, for CSXT's lines located in the SARR States.

REQUEST FOR PRODUCTION NO. 128

Please produce documents sufficient to show the following information with respect to ballast and sub-ballast used on CSXT's system for each of the years 2007 to the present:

- a. The average cost per cubic yard for ballast, by type;
- b. The average cost per cubic yard for the transportation and handling of ballast;
- c. The average length of haul represented by the value(s) in subpart (b) above;
- d. The average cost per cubic yard for sub-ballast, by type;
- e. The average cost per cubic yard for transportation and handling of sub-ballast;
- f. The average length of haul represented by the value(s) in Subpart (e) above;

- g. The names and locations of all quarries supplying such ballast or sub-ballast; and
- h. The unit prices from all quarries listed in response to Subpart (g).

REQUEST FOR PRODUCTION NO. 129

Please produce documents sufficient to show the following for each construction and rehabilitation project which exceeded \$500,000 in cost and was completed by CSXT, or an outside contractor acting on CSXT's behalf, since January 1, 2007:

- a. The date the project was started;
- b. The date the project was completed;
- c. Whether the project was new construction or rehabilitation;
- d. Whether or not the project was performed "under traffic", i.e., traffic continued to move through the construction area;
- e. A complete copy of the Authorization for Expenditure ("AFE") and description of all columns and data contained with the AFEs;
- f. A complete copy of the Roadway Completion Report or any successor document; and
- g. All invoices underlying each AFE and/or Roadway Completion Report.

REQUEST FOR PRODUCTION NO. 130

Please produce documents, including but not limited to AFEs, construction plans, engineering estimates, bid tabs, contractor invoices, and construction specifications for any projects that a carrier other than CSXT has undertaken in the SARR States since

January 1, 2007 for which CSXT paid for some or all of the project, including, but not limited to, any construction within the boundaries of Conrail Shared Assets Areas.

REQUEST FOR PRODUCTION NO. 131

Please produce documents sufficient to show the following information for each tunnel located on any portion of the CSXT system in the SARR States:

- a. Location, i.e., line segment name and number;
- b. Beginning and ending mileposts;
- c. Length (in feet);
- d. Height above the rail (in feet);
- e. Number of tracks in the tunnel;
- f. Method, time period and cost of construction; and
- g. Maintenance costs for each year or partial year 2007 to the present.

REQUEST FOR PRODUCTION NO. 132

Please produce documents sufficient to show the tunnels or former tunnels located on CSXT's system in the SARR States that have been constructed or removed (by daylighting or other means) by CSXT since 2000, detailing location (line segment and milepost), length, number of tracks in the tunnel, method and time period of construction, and the cost per linear foot to construct or remove the tunnel. If no cost data is available

for any such tunnels, please produce documents sufficient to show the cost per linear foot of any tunnel construction or removal performed anywhere on CSXT's system since 2000.

REQUEST FOR PRODUCTION NO. 133

Please produce bridge lists or other documents detailing the following information for all bridges located on CSXT's system in the SARR States:

- a. Location (milepost, division and subdivision);
- b. Type;
- c. Number of tracks;
- d. Total length;
- e. Number of spans;
- f. Type(s) of spans;
- g. Length of each span;
- h. Load rating;
- i. Clearances;
- j. Height;
- k. Skew;
- l. Curvature
- m. A description of what is being crossed (e.g., name of body of water, highway or road (including name or number), navigable waterway, etc.);
- n. Whether or not it is a movable bridge; and

- o. Whether or not it is in service.

REQUEST FOR PRODUCTION NO. 134

Please produce documents sufficient to show the following information related to the construction or replacement, in part or in whole, of each bridge on CSXT's system in the SARR States from 2004 to the present:

- a. The location of the bridge, by line segment and milepost;
- b. The design for each bridge;
- c. An itemized listing of the bridge components being constructed or replaced (including quantities);
- d. The estimated cost, by component, for each of the components (identified in response to Subpart c. above) being constructed or replaced;
- e. The actual cost, by component, for each of the components (identified in response to Subpart c. above) being constructed or replaced;
- f. The total cost of the bridge;
- g. The total length of the bridge;
- h. Whether the project was new construction or rehabilitation;
- i. Whether or not the project was performed "under traffic", i.e., traffic continued to move through the construction area;
- j. All costs incurred as a function of performing the project under traffic, e.g., flagging costs, temporary signal costs, realignments, delays and all other costs that would not be incurred if the bridge was new construction;

- k. The construction documents and contracts for the construction and/or rehabilitation; and
- l. Any cost sharing between CSXT and another entity.

REQUEST FOR PRODUCTION NO. 135

Please produce documents listing the items, the cost of each item and the quantity of each item installed on CSXT's system related to the construction and (during each of the years 2007 to the present) operation of the centralized traffic control signal system(s) or any other traffic control system in use on the CSXT system. Please indicate whether the costs include additional services such as installation, design planning, electrical drops for utilities, and/or transportation. If the costs for additional services are not included, please provide each cost separately for the additional services.

REQUEST FOR PRODUCTION NO. 136

Please produce documents containing the following information for each CSXT communications site (defined as a location with a microwave tower, a land mobile radio ("LMR") tower, a tower used for both purposes, or a location where communications equipment (microwave or LMR) is located that does not include a tower) located in the SARR States:

- a. The number of microwave towers, LMR towers, combined towers, or other communications equipment location (shown separately for each category);

- b. The latitude and longitude coordinates of each tower or other communications equipment location;
- c. The height of each tower in feet above the ground and also in feet above sea level;
- d. The number of microwave antennae on each tower and the status of each antenna (i.e., whether it is operational);
- e. The number of LMR antennae on each tower and the status of each antenna (i.e., whether it is operational);
- f. The latitude and longitude coordinates of other communications sites that can link via microwave or radio from this site or a topological map of the communication system; and
- g. The acres of land owned or leased by CSXT for these sites and the cost of purchase or lease.

REQUEST FOR PRODUCTION NO. 137

Please produce documents sufficient to show:

- a. CSXT's specifications for the construction of communications sites (as defined in Request for Production No. 136 above);
- b. Identification and total number of CSXT route miles in the SARR States that are covered by microwave communications;
- c. Identification and total number of CSXT route miles in the SARR States that are not covered by microwave communications;
- d. The cost, manufacturer and model number of each item and the quantities used for the construction and operation of the microwave radio and/or land mobile radio communications system on the CSXT system during each of the years 2007 to the present; and

- e. The annual spot maintenance costs incurred by CSXT for the microwave and/or land mobile radio tower communications system per tower and by device type, in the SARR States, as well as the overall spot maintenance costs systemwide.

REQUEST FOR PRODUCTION NO. 138

Please produce documents in a computer readable format, if available, containing the following information for each CSXT at-grade and grade-separated highway crossing on the CSXT system in the SARR States:

- a. Geographic location, *i.e.*, city, county and state;
- b. Rail location, *i.e.*, railroad, line name, division, subdivision and milepost;
- c. Whether public or private;
- d. Name of road being crossed;
- e. Width;
- f. Length;
- g. Type of construction;
- h. Number of tracks;
- i. Type of protective devices;
- j. Date of initial installation at the location;
- k. Total cost of the initial installation and the amount borne by CSXT, if any; and
- l. Identification of the party responsible for ongoing maintenance of any such structures.

REQUEST FOR PRODUCTION NO. 139

For each year 2007 to the present, please produce documents that contain the following information with regard to the CSXT system's highway and at-grade railroad crossings:

- a. The various sizes, compositions and costs per linear foot (installed) of a one-lane private road crossing over a single line of track;
- b. The various sizes, compositions and costs per linear foot (installed) of a two-lane public highway crossing over a single line of track;
- c. The various sizes, compositions and costs per linear foot (installed) of a four-lane public highway crossing over a single line of track;
- d. The installed cost of signs for a private road crossing (if necessary);
- e. The installed cost of signs for a public highway crossing;
- f. The installed cost of each of the different types of protective devices identified in the response to Subpart (i) of Request For Production No. 138;
- g. A list identifying each component required for an automatic type interlocking (assuming a diamond crossing);
- h. The cost of each of the components identified in response to Subpart (g) above and the cost of installation for each year or partial year 2007 to the present;
- i. The costs for a 16-foot and 24-foot cattle guard and the cost of installation for each year or partial year 2007 to the present; and
- j. Any additional costs incurred.

REQUEST FOR PRODUCTION NO. 140

For each highway crossing identified in response to Request for Production No. 138, please provide documents, for each year or partial year 2007 to the present, that show separately for each crossing, any monies received by CSXT from any other party to compensate CSXT for the use of the crossing, including, but not limited to, monies for construction, maintenance and easement payments.

REQUEST FOR PRODUCTION NO. 141

Please produce documents containing the following information with regard to CSXT's hot bearing and dragging/failed equipment detectors ("FED"):

- a. The criteria for determining the appropriate spacing of the devices along CSXT's main lines;
- b. The location of FEDs for the portion of CSXT's system in the SARR States;
and
- c. The cost of FEDs for each year 2007 to the present.

REQUEST FOR PRODUCTION NO. 142

Please produce documents sufficient to describe the specifications, functions, operation and costs, during each of the years 2007 to the present, of any communications system equipment other than microwave towers used to transmit data from devices such

as mobile two-way radios, portable (hand-held) two-way radios, FEDs, AEI scanners and EOTDs across all or any part of the CSXT system.

REQUEST FOR PRODUCTION NO. 143

Please produce documents sufficient to show:

- a. The locations and quantities of fiber optic cabling installed on CSXT rights-of-way in the SARR States;
- b. The bandwidth capacity of the fiber optic cabling identified in Subpart (a);
- c. The entity that owns and operates the fiber optic cabling identified in Subpart (a);
- d. The costs to CSXT, if any, for installing the fiber optic cable identified in Subpart (a);
- e. Whether CSXT is permitted to use the fiber optic cable identified in Subpart (a); and
- f. The amount, if any, CSXT pays the carriers for use of the fiber optic cable identified in Subpart (e).

REQUEST FOR PRODUCTION NO. 144

If CSXT utilizes the fiber optic cable(s) identified in response to Request for Production No.143, please provide documents sufficient to show:

- a. An identification, and the total number, of CSXT route miles in the SARR States that are covered by fiber optic backbone communications;
- b. The cost, manufacturer and model number of each item and the quantities used for the construction and operation of the fiber optic communications system on the CSXT system during each of the years 2007 to the present; and

- c. The annual spot maintenance costs incurred by CSXT for the fiber optic communications system and by device type, in the SARR States, as well as the overall spot maintenance costs systemwide for each of the years 2007 to the present.

REQUEST FOR PRODUCTION NO. 145

Please provide documents identifying each electrical connection in the SARR States that is used to provide power to devices including, but not limited to, the CTC system and other signal devices, hot box detectors, failed equipment detectors, powered road crossings, warning devices and power switches, and provide the following for each such connection:

- a. The location of the connection by line segment and milepost;
- b. The source of the electricity;
- c. The amount CSXT paid for each connection and the date; and
- d. CSXT costs for each billing period from 2008 to the present.

REQUEST FOR PRODUCTION NO. 146

Please produce documents sufficient to show the location, linear feet, and type of fencing (*e.g.*, snow fence), cost per foot and year installed for all fencing currently in place on the portion of the CSXT system in the SARR States.

REQUEST FOR PRODUCTION NO. 147

Under *Alternative Methods of Accounting for Railroad Track Structures*, 367 I.C.C. 157, 180 (1983), CSXT is required to submit a standard "unit of property" that distinguishes between when a certain cost should be expensed or capitalized. Please produce CSXT's most recent, STB approved property "unit of property" and the supporting information and data for those units.

REQUEST FOR PRODUCTION NO. 148

Please produce an unredacted and fully executed copy of CSXT's Positive Train Control Implementation Plan filed with the Federal Railroad Administration as required by 49 CFR §236.1009(a) and §236.1011.

REQUEST FOR PRODUCTION NO. 149

Please provide all studies, analyses, detailed plans and estimates developing CSXT's estimated costs to design, install and maintain the Positive Train Control system detailed in CSXT's Positive Train Control Implementation Plan filed with the Federal Railroad Administration on April 16, 2010.

REQUEST FOR PRODUCTION NO. 150

Please provide all documents showing CSXT's use of funds from the following debt issuances, including, but not limited to, any and all locomotives acquired with the funds:

- a. 6.251% Secured Equipment Notes due January 15, 2023,
- b. 8.375% Secured Equipment Notes due April 15, 2014

REQUEST FOR PRODUCTION NO. 151

Please provide documents related to the amount of Bonus Depreciation claimed by CSX separately for 2008 and 2009 on CSX's Federal Tax Returns in Schedule 4562. The amount should be separated by asset class and include the historical cost recorded for the assets related to the claimed bonus depreciation, including all schedules and worksheets showing the calculation and development of bonus depreciation allowed under the Economic Stimulus Act of 2008 and the American Reinvestment and Recovery Act.

REQUEST FOR PRODUCTION NO. 152

Please provide the following confidential and highly confidential documents that CSXT produced to the complainant in STB Docket NOR No. 42110, Seminole Electric Cooperative, Inc. v. CSX Transportation, Inc.:

- a. RTC data provided in discovery (if any).
- b. RTC data included in CSXT's Reply.

- c. All CSXT databases provided in discovery.
- d. All CSXT databases included in CSXT's Reply.
- e. Explanatory information for all CSXT databases provided in discovery (record layouts, field descriptions, data explanations, etc.).
- f. Explanatory information for all CSXT databases included in CSXT's reply (record layouts, field descriptions, data explanations, etc.).
- g. Construction cost and quantity data provided in discovery.
- h. Construction cost and quantity data included in CSXT's Reply.
- i. Operating and non-operating personnel data provided in discovery.
- j. Operating and non-operating personnel data included in CSXT's Reply.
- k. Maintenance of way data provided in discovery.
- l. Maintenance of way data included in CSXT's Reply.
- m. Agreements between CSXT and CSXI and all billing/invoices associated with these Agreements including workpapers supporting all bills/invoices.
- n. Agreements between CSXT and Norfolk Southern Railway Company ("NS") or their affiliates, and any amendments thereto, implementing CSXT's access to the MGA coal region.
- o. All documents provided in discovery related to donated rights of way and/or land grants (including easements) obtained by CSXT or CSXT's predecessors in connection with the construction of any rail lines or facilities, including the type of information requested by TPI in RFP #121.

REQUEST FOR PRODUCTION NO. 153

Please provide the following CSX Geographic/Geospatial Information System (GIS) data. The ("GIS") data should be viewable, readable, and writable with no access limitations. The GIS data should be able to be read using current off the shelf (COTS) software, using either ESRI ArcView (ArcGIS) or MapInfo Pro (MapInfo / PitneyBowes):

- a. Map Projections defined per layer;
- b. GIS files associated with and/or created by the GIS software system, to include:
 - 1. In their original vector, or other, file format to include file types such as:
For ESRI application software:

- a) .shp (shape files, feature geometry)
- b) .shx (shape file indexes)
- c) .dbf (attribute format)
- d) .prj (projection format)
- e) .sbn, .sbx (spatial indexes of features)
- f) .fbn, .fbx (spatial index of features)
- g) .ixs (geocoding indexes)
- h) .mxs (geocoding indexes)
- i) .atx (attribute index)
- j) .shp.xml (metadata in xml)
- k) .cpg (code page)

2. For MapInfo application software:

- a) .dat (attribute data)
- b) .tab (MapInfo table, stores types of data)
- c) .id (stores links to graphic and database information)
- d) .map (stores graphic and geographic information)
- e) .ind (index files)

3. For other GIS systems: provide native files.

- c. Map data geocoded to a standard available coordinate system;
- d. Map data associated to latitude and longitude coordinates without limits placed on decimal accuracy; and
- e. Map Layers (either separate object layers, or in layers with each object having attributes defining the item's entity type and attributes)

1. Track detail

- a) Rail stations and/or nodes (an entity with all attributes)
- b) Rail segments and/or links between nodes (an entity with all attributes)
- c) Siding (an entity with all attributes)
- d) Grade (an entity, or attributes associated to track)
- e) Curves (an entity, or attributes associated to track)
- f) Mileposts (an entity, with a unique identifier, milepost name, milepost code, latitude and longitude coordinates)

with no limits on geocoded coordinate decimal values) that match the mileposts in the transactional "Event" data provided in response to Request For Production Nos. 21 and 22

- g) Elevation in feet above sea level per rail node/milepost
 - h) Time tables
 - i) Signals
2. Mileage between track nodes;
 3. Land parcels; and
 4. Terminals (including, but not limited to, CSXT rail yards, Automotive Distribution Centers, Transflo facilities and intermodal facilities).

REQUEST FOR PRODUCTION NO. 154

Please provide a copy of or access to the CSX Track Chart and Engineering Information System ("System") or any replacement system. Also, please provide instructions on how to use the System to access the component parts of the System as identified in Interrogatory No. 22. If the System has been revised or updated since the September 10, 2000 paper referred to Interrogatory No. 22 and is currently called something else, please provide a copy of or access to the revised or updated system and the appropriate instruction on how to use the revised or updated system.

REQUEST FOR PRODUCTION NO. 155

For each subpart of Interrogatory #24, if CSXT answered in the affirmative, then produce the information and/or data in a computer-readable format or in its native format to the extent not already produced in that format in reply to any other Interrogatory or Request for Production.

REQUEST FOR PRODUCTION NO. 156

Please produce all transportation contracts, including all amendments and supplements thereto (or letters of understanding with appendices or attachments), and all tariffs, common carrier pricing authorities, or other documents containing common carrier rate and service terms (collectively “pricing authorities”), entered into, agreed to, or established or provided by CSXI which govern shipments handled by CSXT as originating, terminating, overhead, or single-line carrier to, from, or through any of the SARR States in any of the years 2008 and beyond. For each pricing authority, please provide the traffic volumes and revenues associated with the movement of traffic under each pricing authority by traffic group (e.g., coal, agricultural, intermodal, etc.) and year for 2008 through the present.

REQUEST FOR PRODUCTION NO. 157

Please produce all forecasts and all documents related to forecasts or projections prepared by or for CSXI from 2008 through the present, or in CSXI’s possession, of future traffic volumes and/or revenues for freight traffic by traffic group (including any breakdowns of any such forecasts or projections whether by commodity classification, geographic region, line segment, or any other category) moving over any portion of the CSXT system located in any of the SARR States. Documents responsive to this request include, but are not limited to, traffic projections prepared in connection with engineering

studies, authorization for expenditures, marketing studies, operating expense budgets, capital budgets, or mergers with or acquisitions of other carriers.

REQUEST FOR PRODUCTION NO. 158

Please produce copies of any documents, reports, analyses, or studies provided to any Federal or state agencies which discuss or describe CSXI's and/or TRANSFLO's compliance with regulations for handling, routing, or proposed routing of hazardous materials.

REQUEST FOR PRODUCTION NO. 159

Please produce all CSXI railcar maintenance agreements with outside contractors, including all supplements, attachments, exhibits, and schedules, for each year or partial year 2006 to the present, for all CSXI cars moving on CSXT's system. Also provide the documents identifying (a) the dollar amount paid for each service performed under the agreement by individual car or by car type; and (b) the number of car-miles corresponding to the amounts referenced in Request for Production No. 159, subpart a.

REQUEST FOR PRODUCTION NO. 160

Please provide information related to any liability expense incurred as a result of CSXI's and/or TRANSFLO's handling hazardous materials for each year 2007 to the present. For each liability expense incurred, please provide the following:

- a. The total amount of the liability expense;
- b. The STCC of hazardous material involved with the incurrence of the

expense;

- c. The number of rail cars, containers, or trailers involved with the incurrence of the expense; and
- d. Any reimbursement of all or a portion of the liability expense, or other reimbursement which offset all or a portion of the liability expense received by CSXI and/or TRANSFLO from any third party.

REQUEST FOR PRODUCTION NO. 161

Please provide information related to any additional operating or administrative expenses incurred by CSXI and/or TRANSFLO for each year from 2008 to the present as a result of handling hazardous materials, including, but not limited to, items such as switching expenses, insurance expenses, station clerical, car, container or trailer cleaning expenses, accident clean-up expenses, and/or billing expenses. For each expense identified, please provide:

- a. The total amount of the annual expense for each year;
- b. The class or classes of hazardous material to which the expense applies; and
- c. The number of annual carloads handled each year to which the expense applies.

REQUEST FOR PRODUCTION NO. 161

Please provide copies of CSX's 2008 and 2009 state income tax returns for the SARR States, including all state tax credit worksheets.

M & G POLYMERS USA, LLC



By: Jeffrey O. Moreno
Sandra L. Brown
David E. Benz
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036
(202) 331-8800

Dated: July 26, 2010

Certificate of Service

I hereby certify that on this 26th day of July 2010, a copy of the foregoing Discovery Requests was served by electronic delivery on:

G. Paul Moates
Paul A Hemmersbaugh
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005



Jeffrey O. Moreno

II. INSTRUCTIONS

M&G hereby incorporates and references the Instructions in M&G's First Set of Requests for Admissions, Interrogatories, and Request for Production of Documents (dated July 26, 2010).

III. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 163

Please produce all documents encompassing, referring or relating to any studies or analyses conducted by CSXT since 2006 pertaining to the profitability of the revenue generated by the transportation rates charged by CSXT to M&G for the Issue Movements.

REQUEST FOR PRODUCTION NO. 164

Please produce all documents encompassing, referring or relating to any methodology including all computer programs (in both compiled and non-compiled versions); databases; and documentation used by CSXT for internal management purposes to determine its costs of handling the Issue Movements as well as any and all adjustments to any methodology to account for special studies.

M & G POLYMERS USA, LLC

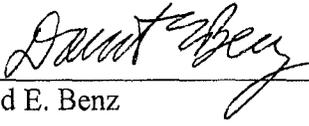
By: Jeffrey O. Moreno
David E. Benz
Thompson Hine LLP
1920 N St. N.W., Suite 800
Washington, D.C. 20036
(202) 331-8800

October 11, 2010

Certificate of Service

I hereby certify that on this 11th day of October 2010, a copy of the foregoing Third Set of Discovery Requests was served by electronic delivery on:

G. Paul Moates
Paul A Hemmersbaugh
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005



David E. Benz