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June 20, 2016

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

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ENTERED  
Office of Proceedings  
June 20, 2016  
Part of  
Public Record

Re: Finance Docket No. 36042, *Petition for Declaratory Order*

Dear Ms. Brown:

This letter, submitted on behalf of C.L. Consulting and Management Corp. (CLC), responds to the June 15, 2016 letter of John M. Scheib, filed on behalf of Norfolk Southern Railway (NSR). That letter posits that "CLC would like to participate in the national rail transportation network but not be responsible for its use of railcars." As CLC's Petition nowhere challenges the assessment of any lawful storage charge, this gratuitous comment carries neither meaning nor relevance. It should be disregarded.

By its petition, CLC, which lacked both notice of railcar placement and any ability to control the unloading of tank cars at issue herein, is primarily challenging the lawfulness of NSR's assessment of daily storage charges in the amount of \$100 per car based on the claim that the cars, when stored on NRS's tracks, contained a hazardous material. In its pleadings, CLC has demonstrated that the cars, when placed on NSR's storage tracks, did *not* contain a hazardous material as defined by the Pipeline and Hazardous Materials Safety Administration. Hence, *under the terms of its tariff*, NSR is not entitled to assess a \$100 per car storage charge that it has sought in its suit against CLC. Plainly, this is not a "garden-variety dispute over demurrage and storage charges." Rather, this case raises a significant issue of whether NSR has engaged in an unreasonable practice in violation of the explicit terms of its governing demurrage tariff.

Respectfully submitted,



Richard H. Streeter

RHS:rs  
Cc: John M. Scheib