

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Finance Docket No. 32760 (Sub-No. 46)**

**BNSF RAILWAY COMPANY  
– TERMINAL TRACKAGE RIGHTS –  
KANSAS CITY SOUTHERN RAILWAY COMPANY AND  
UNION PACIFIC RAILROAD COMPANY**

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April 24, 2013  
Part of  
Public Record

**CITGO PETROLEUM CORPORATION'S  
PETITION TO INTERVENE**

Pursuant to 49 CFR §1112.4 and/or 49 CFR §1113.7, as appropriate, CITGO Petroleum Corporation (“CITGO”) respectfully requests that it be permitted to intervene in the above-captioned proceeding in support of the application of BNSF Railway Company (“BNSF”) for terminal trackage rights over the Rosebluff Industrial Lead (the “Application”), filed with the Board on February 27, 2013.

CITGO owns and operates an oil refinery at Lake Charles, Louisiana. CITGO’s refinery can receive rail service only via the Rosebluff Industrial Lead, which is a single-track line that connects the facility with the “50/50” Line, extending between Avondale, LA and Dawes, TX. The CITGO refinery is currently served directly by UP, and indirectly by BNSF and KCS through reciprocal switching provided by UP. The requested trackage rights would permit BNSF, in competition with UP and KCS, to directly serve the CITGO facility. CITGO’s refinery depends on rail shipments over the Rosebluff Industrial Lead for a significant, and increasing, percentage of its crude oil requirements. Accordingly, CITGO has a substantial and vital economic interest in this matter that cannot be adequately represented or protected by any other

party. CITGO therefore respectfully requests that it be allowed to intervene in this proceeding to protect those interests.

### **CITGO'S INTEREST IN THIS PROCEEDING**

CITGO's refinery is located along the banks of the Calcasieu Ship Channel. The facility employs over 1,700 employees and contractors and has a capacity to process 430,000 barrels of crude oil each day. CITGO's facility is the fourth largest refinery in the United States with an economic impact in Southwest Louisiana of approximately \$572 million. CITGO receives crude oil by rail from a variety of shippers located in Oklahoma and several other states. The CITGO refinery processes the crude oil to produce gasoline, diesel and jet fuel as well as fuel oils and then markets these products along the Gulf Coast, the East Coast and the Midwest.

CITGO receives increasing amounts of crude oil for processing in its facility from shippers and marketers who do not have access to the interstate pipeline system for all of their supplies. The only practicable mode of transportation for these shipments is by rail, and CITGO has been receiving significant rail volumes over the past five months and expects these rail sourced shipments to continue to expand. With that in mind, CITGO has already made new investments in rail receiving facilities and expects to continue this plant expansion.

Presently, UP is the only railroad company which directly serves the CITGO facility. KCS and BNSF can only serve the facility indirectly by delivering rail cars to the Rosebluff Yard, an industrial yard jointly owned by KCS and UP. At the Rosebluff Yard, UP picks up the rail cars and delivers them to the CITGO facility via the Rosebluff Industrial Lead.

As noted above, UP is currently the only railroad which directly provides service to CITGO over the Rosebluff Industrial Lead. However, UP has restricted service to the CITGO refinery to a maximum of thirty railcars per day and six hundred railcars per month. BNSF has offered to provide competitive direct rail service to CITGO's refinery over the Rosebluff

Industrial Lead. In particular, BNSF has offered to provide direct unit train service of sixty cars per day for crude oil destined to the CITGO refinery. The proposed BNSF competitive service would better serve the existing and future needs of the CITGO refinery for rail shipments of crude oil. BNSF's direct service is therefore immensely important to the efficient operations of the CITGO facility and its continuing contribution to the economy of the Lake Charles region.

If this Petition to Intervene is granted, CITGO would file its verified statements simultaneously with BNSF and therefore would not unduly disrupt the procedural schedule established in this proceeding or cause any unnecessary delay.

### CONCLUSION

CITGO's intervention in this proceeding will neither unduly broaden the issues presented nor contribute to any unnecessary delay in the resolution of those issues. Accordingly, CITGO's Petition to Intervene should be granted.

Respectfully submitted,



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Dated: April 24, 2013

**CERTIFICATE OF SERVICE**

I hereby certify this 24<sup>th</sup> day of April, 2013, that I have caused the foregoing CITGO Petroleum Corporation's Petition to Intervene to be served as indicated below on the following counsel of record for the parties:

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