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November 7, 2014

Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
November 7, 2014
Part of
Public Record

Re: Docket No. 35504; Union Pacific R.R. Co.—Pet. for Declaratory Order

Dear Ms. Brown:

On behalf of the Interested Parties,¹ the undersigned write in response to the October 10, 2014 decision of the Surface Transportation Board (“Board”) in the above-referenced proceeding. In that decision, the Board denied a motion for show cause order filed by the Interested Parties and directed them to notify the Board by November 10, 2014 if they would like the Board to treat their motion as a complaint. The Interested Parties hereby notify the Board that they are not opting to convert their motion into a complaint.

Despite their decision, the Interested Parties wish to make clear that their concerns surrounding UP Tariff 6607 have not abated, and in fact have increased with the issuance of a similar tariff provision by the Canadian Pacific Railroad. Nevertheless, the Interested Parties were opposed to the Board initiating this proceeding in the first instance² and primarily sought, through their show cause motion, to address UP’s flagrant disregard for the Board’s rationale in denying UP’s petition. The Interested Parties reserve the right to challenge Tariff 6607, either before the Board or in a court of competent jurisdiction, if and when UP should attempt to invoke the indemnity requirements in the future.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,



Jeffrey O. Moreno

Paul M. Donovan

*Attorneys for the American Chemistry Council, The
Chlorine Institute, The Fertilizer Institute and The
National Industrial Transportation League.*

¹ The Interested Parties are the American Chemistry Council, The Chlorine Institute, The Fertilizer Institute and The National Industrial Transportation League.

² See Docket No. 35504, “Reply of The Fertilizer Institute, The Chlorine Institute, and American Chemistry Council” (filed May 17, 2011).