

BEFORE THE
SURFACE TRANSPORTATION BOARD

TOTAL PETROCHEMICALS & REFINING
USA, INC.

Complainant,

v.

CSX TRANSPORTATION, INC.

Defendant.

 GRANTED Office of Proceedings	DECISION ID NO.: <u>44734</u>
	DECIDED DATE: <u>9/14/15</u>
	SERVICE DATE: <u>9-15-15</u>
	APPROVED: <u>Rachel D Campbell</u> Director
<input type="checkbox"/>	

Docket No. NOR 42121

239179

ENTERED
Office of Proceedings
September 9, 2015
Part of
Public Record

JOINT MOTION TO AMEND PROCEDURAL SCHEDULE

Complainant, Total Petrochemicals & Refining USA, Inc. ("TPI") and defendant CSX Transportation, Inc. ("CSXT") respectfully submit this Joint Motion to Amend the procedural schedule in the above-captioned proceeding. On July 24, 2015, the Board issued two separate Decisions in this proceeding, one that requires the parties to submit certain supplemental evidence and the other that requires workpaper revisions that the Board denominated as "compliance evidence." The Board established a procedural schedule that required both supplemental evidence and compliance evidence to be filed by September 22, 2015; replies to be filed by October 22, 2015; and final briefs to be filed by November 12, 2015.

On August 12, 2015 defendant CSXT filed a motion to amend the procedural schedule, noting that both parties had concerns about producing the requested supplemental and compliance evidence by the September 22 deadline. *See Mot. to Amend Procedural Schedule, Total Petrochemicals & Ref. USA, Inc. v. CSX Transp., Inc.*, STB Docket No. NOR 42121, at 1-2 (Aug. 12, 2015). CSXT noted that the supplemental evidence requested by the Board would require the parties to revise and run their RTC models for the extensive amount of traffic handled by the large SARR necessary to transport the traffic selected by TPI, and additionally that the

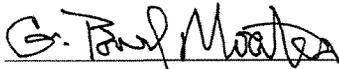
compliance evidence order would require careful review, labeling, and linking of a large number of workpapers.

In its September 4, 2015 decision in this matter, the Board reconsidered its supplemental evidence order, allowing TPI to “elect whether to file supplemental evidence regarding ‘Y’ trains and all other trains that deliver and/or pick up SARR traffic at shipper locations.” Decision, *Total Petrochemicals & Ref. USA, Inc. v. CSX Transp., Inc.*, STB Docket No. NOR 42121, at 11 (Sept. 4, 2015) (“Sept. 4 Decision”). The Board also denied CSXT’s motion to amend the procedural schedule. However, the Board stated that “[i]f . . . the parties agree to an amended procedural schedule, they may file a joint motion to amend the schedule . . .”. *Id.* In light of the Board’s decision, the parties have conferred and have agreed that an extension of 15 days to the procedural schedule for parties to prepare supplemental and compliance evidence is warranted.

The following schedule reflects the minimum amount of time the parties and their expert witnesses believe will be required to respond to the Board’s request for supplemental and compliance evidence. The parties therefore ask the Board to adopt the below schedule:

Supplemental and compliance evidence:	October 7, 2015
Replies to supplemental and compliance evidence	November 20, 2015
Final briefs	December 14, 2015

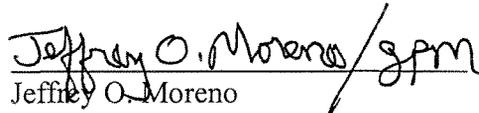
Respectfully submitted,



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Dated: September 9, 2015



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