

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 711

PETITION FOR RULEMAKING TO ADOPT REVISED
COMPETITIVE SWITCHING RULES

Decided: March 21, 2014

By decision served on July 25, 2012, the Board began a proceeding to consider a proposal submitted by The National Industrial Transportation League (NITL) to modify the Board's standards for mandatory competitive switching. Under the proposal, certain captive shippers located in terminal areas would be granted access to a competing railroad if there is a working interchange within a reasonable distance (30 miles under NITL's proposal). In its decision, the Board sought empirical information about the impact of the proposal if it were to be adopted. The Board received numerous comments in response to its decision and scheduled a public hearing for October 22, 2013, which was postponed due to the Government shutdown.

In a decision served on February 3, 2014, the Board rescheduled the hearing for March 25 and 26, 2014, beginning at 9:30 a.m., in the Hearing Room at the Board's headquarters located at 395 E Street, S.W., Washington, DC. Based on notices of intent to participate in the hearing solicited earlier in this proceeding, the Board set forth a list of speakers and asked parties to notify the Board of any changes in intent to participate.

Based on responses received to the February 3, 2014 decision, the Board is issuing a revised list of speakers, which is attached as the Appendix to this decision. The revised list reflects substituted speakers for NITL, Interested Agricultural Parties, Joint Coal Shippers, the American Chemistry Council, and the Dow Chemical Company. It also reflects that Interested Agricultural Parties' time allotted has been changed from 10 minutes to 15 minutes.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Time for the hearing is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

APPENDIX—SCHEDULE OF APPEARANCES

TUESDAY, MARCH 25, 2014 (COMMENCING AT 9:30 A.M.)

<u>Party</u>	<u>Time Allotted</u>
Panel I	
U.S. Department of Transportation Christopher S. Perry	5 minutes
Panel II	
The National Industrial Transportation League Bruce Carlton Karyn Booth Nick DiMichael Jay Roman Walter Schuchmann	50 minutes
Panel III	
Association of American Railroads Michael R. Baranowski William J. Rennie B. Kelly Eakin Phil C. Ireland Samuel M. Sipe, Jr.	50 minutes
American Short Line & Regional Railroad Association Richard F. Timmons	15 minutes
Panel IV	
Arkansas Electric Cooperative Corporation Eric Von Salzen Michael A. Nelson	20 minutes
Interested Agricultural Parties Sharon Clark	15 minutes
Joint Coal Shippers Christopher A. Mills	5 minutes

APPENDIX—SCHEDULE OF APPEARANCES**WEDNESDAY, MARCH 26, 2014 (COMMENCING AT 9:30 A.M.)****Panel V**

BNSF Railway Company Jill K. Mulligan	10 minutes
CSX Transportation, Inc. Cressie Brown	10 minutes
The Kansas City Southern Railway Company David Konschnik	5 minutes
Norfolk Southern Railway Company Rush Bailey	10 minutes
Union Pacific Railroad Company Thomas C. Haley	10 minutes

Panel VI

The American Chemistry Council Jeffrey O. Moreno	10 minutes
The Chlorine Institute Eddie Johnston	5 minutes
Diversified CPC International, Inc. Sandra Dearden	10 minutes
The Dow Chemical Company David E. Kepler	10 minutes
Indorama Ventures EO & Glycols, Inc., et al. Phillip C. Rine Tom O'Connor	15 minutes

Panel VII

United Transportation Union-New York State Legislative Board Gordon P. MacDougall	5 minutes
Wolfe Research Scott H. Group	10 minutes