

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42115

US MAGNESIUM, L.L.C.

v.

UNION PACIFIC RAILROAD COMPANY

MOTION FOR PROCEDURAL SCHEDULE

Decided: October 21, 2009

By a complaint filed on June 25, 2009, US Magnesium, L.L.C. (USM) challenges the reasonableness of rates charged by Union Pacific Railroad Company (UP) for the movement of chlorine by tank car from Rowley, UT, to Los Angeles, CA, Mojave, CA, Ontario, CA, Santa Fe Springs, CA, Saugus, CA, Torrance, CA, and Henderson, NV. USM seeks relief pursuant to the simplified procedures set forth in Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) (Simplified Standards), aff'd sub nom. CSX Transportation, Inc. v. STB, No. 07-1369 (D.C. Cir. June 22, 2009). USM has elected to utilize the simplified stand-alone cost method, under which the total available rate relief is limited to \$5 million over a 5-year period. UP filed an answer to the complaint on July 15, 2009.

On October 19, 2009, the parties jointly filed a motion for procedural schedule. In the motion, the parties ask the Board to accept the following procedural schedule for the remainder of the case.

UP's Second Disclosure to USM	November 12, 2009
Discovery Closes	November 23, 2009
Opening Evidence	February 1, 2010
Reply Evidence	April 1, 2010
Rebuttal Evidence	May 3, 2010
Technical Conference (market dominance and merits)	May 11, 2010
Final Briefs	May 21, 2010

The schedule above comports with the Board's regulations at 49 CFR 1111.9(a)(1). Accordingly, the Board will adopt the procedural schedule.

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

It is ordered:

1. The parties' motion for procedural schedule is granted.
2. The procedural schedule above is adopted.
3. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary