

**EXPEDITED CONSIDERATION REQUESTED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

TOTAL PETROCHEMICALS &  
REFINING USA, INC.

Complainant,

v.

CSX TRANSPORTATION, INC.

Defendant.

Docket No. NOR 42121

**JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE**

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September 4, 2014

 <b>GRANTED</b>	DECISION ID NO.: <u>44010</u>
	DECIDED DATE: <u>9/5/14</u>
	SERVICE DATE: <u>9/5/14</u>
	APPROVED: <u>Rachel Campbell</u> Director
Office of Proceedings	<input type="checkbox"/>

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<b>Complainant,</b>	)	
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	)	
<b>CSX TRANSPORTATION, INC.</b>	)	
	)	
<b>Defendant.</b>	)	
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**JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE**

Pursuant to 49 CFR § 1117.1, complainant, Total Petrochemicals & Refining USA, Inc. (“TPI”), and defendant, CSX Transportation, Inc. (“CSXT”), hereby file this Joint Motion to Modify Procedural Schedule (“Motion”). In this Motion, TPI and CSXT request that the Surface Transportation Board (“Board”) modify the existing procedural schedule<sup>1</sup> in the above-captioned proceeding such that TPI’s Rebuttal Evidence would be due November 5, 2014 and Final Briefs would be filed December 19, 2014. **The parties request expedited consideration of this Motion because TPI’s Rebuttal Evidence currently is due in just over a month, and TPI must know several weeks prior to that date whether this Motion has been granted.**

The requested modification is warranted due to the complexity of this proceeding. As the Board is well-aware, this proceeding involves development of a Stand-Alone Railroad (“SARR”) to serve carload issue traffic in 88 different lanes.<sup>2</sup> As such, this proceeding is markedly different from most prior Stand-Alone Cost (“SAC”) cases, which involved issue traffic

<sup>1</sup>The current procedural schedule was issued in a decision served February 7, 2014.

<sup>2</sup>See TPI SAC Opening Evidence at I-1 (filed February 18, 2014).

consisting of unit trains transporting coal. The voluminous record developed to date demonstrates the complexity inherent in designing a SARR with significant amounts of carload traffic. In order that they may adequately evaluate the record in this proceeding and prepare their remaining filings, the parties respectfully request that the Board modify the procedural schedule as follows:

Event	Current Due Date from Feb. 7 Decision	Proposed Due Date
TPI Rebuttal	October 6, 2014	November 5, 2014
Final Briefs	October 27, 2014	December 19, 2014

The modification requested herein is modest in scope and reasonably responds to the obvious complexity of this proceeding. For example, including the additional time requested in this Motion would provide 107 days for Rebuttal and 44 days for Final Briefs, which still would be less time than in two other recent carload rate cases. In DuPont v. Norfolk Southern, the time for rebuttal evidence and final briefs was 136 days and 60 days, respectively, and in SunBelt v. Norfolk Southern, those time frames were 147 days and 53 days, respectively.<sup>3</sup> No party will be prejudiced by the modification because both TPI and CSXT are jointly seeking the modification. For all these reasons, the Board should grant the requested modification.

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<sup>3</sup> E.I. du Pont de Nemours and Company v. Norfolk Southern Railway Company, STB Docket No. 42125 (Reply filed Nov. 30, 2012; Rebuttal filed April 15, 2013; Briefs filed June 14, 2013); SunBelt Chlor Alkali Partnership v. Norfolk Southern Railway Company, STB Docket No. 42130 (Reply filed Jan. 7, 2013; Rebuttal filed June 3, 2013; Briefs filed July 26, 2013).

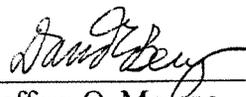
Respectfully submitted,



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