

to Defendant Norfolk Southern Railway Company's First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents, at 13. NS's Petition for Subpoena

sought to test those "information and belief" assertions by petitioning the Board to issue a subpoena to OxyVinyls and OxyChem for information that would show whether or not OxyVinyls is capable of receiving chlorine by barge.

On May 4, 2012, SunBelt filed a Motion to Dismiss its Complaint against UP. In the Motion, SunBelt indicated that it has entered into a contract with UP governing UP's transportation for its portion of the McIntosh-La Porte movement. The same day, SunBelt also filed a First Amended Complaint restating its claims against NS and limiting the scope of its rate challenge to the NS common carrier rate for transportation between McIntosh and New Orleans.

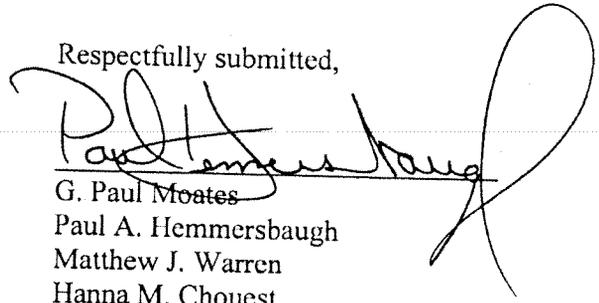
SunBelt's dismissal of UP and the concomitant limitation of SunBelt's rate challenge to the rate for NS's local movement of SunBelt traffic between McIntosh and New Orleans have significantly altered the scope of this case. In light of that alteration, NS moves to withdraw its Petition for Subpoena. By withdrawing the Petition, NS does not concede the validity of any of the arguments made by OxyChem, OxyVinyls, or SunBelt in opposition to the Petition, including but not limited to SunBelt's assertion that transportation alternatives that replicate the entire route of an interline movement cannot constitute effective competition to a Rule 11 rate.

CONCLUSION

NS requests that the Board grant this Motion to Withdraw its Petition for Subpoena, without prejudice to its right to file another such petition should it become necessary or appropriate.

John M. Scheib
David L. Coleman
Christine I. Friedman
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Hemmersbaugh", is written over a horizontal line. The signature is stylized and extends to the right of the line.

~~G. Paul Moates~~
Paul A. Hemmersbaugh
Matthew J. Warren
Hanna M. Chouest
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
(202) 736-8711 (fax)

Counsel to Norfolk Southern Railway Company

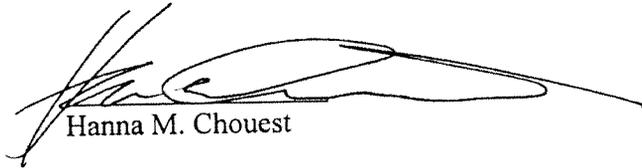
Dated: May 15, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May 2012, I caused a copy of the foregoing Motion to Withdraw Norfolk Southern Railway Company's Petition for Subpoena to be served by email and first class mail, postage prepaid, or more expeditious method of delivery on:

Jeffrey O. Moreno
Jason D. Tutrone
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, DC 20036

Thomas W. Wilcox
Svetlana Lubchenko
GKG Law, P.C.
1054 Thirty-First Street, N.W., Suite 200
Washington, DC 20007



Hanna M. Chouest