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SERVICE DATE – LATE RELEASE JUNE 16, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35524

CANEXUS CHEMICALS CANADA L.P.

v.

BNSF RAILWAY COMPANY

ORAL ARGUMENT

Decided: June 16, 2011

The Surface Transportation Board will hold oral argument on Thursday, June 23, 2011, at 3:00 p.m., or, if the hearing in Competition in the Railroad Industry, EP 705 also scheduled for that day has not yet concluded, at the conclusion of that hearing. The oral argument will take place in the Board's hearing room at the Board's headquarters located at 395 E Street, S.W., Washington, DC. The oral argument will be open for public observation, but only counsel for Canexus Chemicals Canada L.P. (Canexus), BNSF Railway Company (BNSF), and Union Pacific Railroad Company (UP) will be permitted to present argument.

Canexus has filed a complaint with a request for expedited consideration. The complaint asks the Board to issue an order compelling BNSF to establish common carrier rates and service terms effective July 1, 2011, between North Vancouver, B.C., and Kansas City, Mo., and between Marshall, Wash., and Kansas City, Mo. In a decision served June 8, 2011, the Board directed BNSF by June 15, 2011, to submit its argument as to whether BNSF has a legal obligation to provide the specific service to Kansas City that Canexus has requested and to establish an appropriate rate. The Board noted that UP has an interest in this matter as a carrier involved in these movements. Accordingly, the Board also directed UP by June 15, 2011, to submit a pleading addressing its legal obligation, if any, to interchange with BNSF at the Spokane, Wash., and Portland, Or., interchanges designated by BNSF.

On June 15, 2011, BNSF and UP filed pleadings with the Board. In BNSF's response, BNSF requested Board-supervised mediation and stated that it would be willing to extend the termination date for the existing temporary rates from June 30 to July 31, 2011. Canexus and UP are directed to indicate to the Board by Monday, June 20, 2011, whether they agree to participate in mediation. In the event that Canexus and UP agree to Board-supervised mediation, the Board will postpone the scheduled oral argument.

Should the argument proceed as scheduled, Canexus, UP, and BNSF shall each have 20 minutes of argument time. Canexus may reserve part of its time for rebuttal if it so chooses.

By June 22, 2011, each party shall submit to the Board the name of the counsel who will be presenting argument and the name of the party counsel will be representing. Canexus, in its filing, shall also address the requested time reserved for rebuttal, if any. Parties should prepare a short oral statement and be prepared to answer questions from the Board. The purpose of oral argument is to provide an opportunity for questions that the Board may have regarding any issue in the proceeding.

Counsel for the parties shall check in with Board staff in the hearing room prior to the argument.

A video broadcast of the oral argument will be available via the Board's website at <http://www.stb.dot.gov>, under "Information Center"/"Webcast"/"Live Video" on the home page.

#### Instructions for Attendance at Hearing

The STB requests that all persons attending the hearing use the Patriots Plaza Building's main entrance at 395 E Street, S.W. (closest to the northeast corner of the intersection of 4th and E Streets). There will be no reserved seating, except for those scheduled to present oral arguments. The building will be open to the public at 7:00 a.m., and participants are encouraged to arrive early. There is no public parking in the building.

Upon arrival, check in at the 1st floor security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or Federal government identification); sign-in at the security desk; receive a hearing room pass (to be displayed at all times); submit to an inspection of all briefcases, handbags, etc.; then pass through a metal detector. Persons choosing to exit the building during the course of the hearing must surrender their hearing room passes to security personnel and will be subject to the above security procedures if they choose to re-enter the building. Hearing room passes likewise will be collected from those exiting the hearing upon its conclusion.

Laptops and recorders may be used in the hearing room, but no provision will be made for connecting personal computers to the Internet. Cellular telephone use is not permitted in the hearing room; cell phones may be used quietly in the corridor surrounding the hearing room or in the building's main lobby.

The Board's hearing room complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245-0245, by the close of business on October 19, 2010.

For further information regarding the oral argument, contact Amy Ziehm, (202) 245-0391. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

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

It is ordered:

1. Oral argument in this proceeding will be held on Thursday, June 23, 2011, at 3:00 p.m. or, if the hearing in Competition in the Railroad Industry, EP 705 also scheduled for that day has not yet concluded, at the conclusion of that hearing, in the Surface Transportation Board Hearing Room, at 395 E Street, S.W., Washington, DC, as described above.

2. By Monday, June 20, 2011, Canexus and UP are directed to indicate in writing to the Board whether they agree to participate in Board-supervised mediation.

3. By June 22, 2011, the participants shall submit to the Board the names of the counsel who will be presenting argument and the name of the party counsel will be representing. Canexus shall also address the requested time reserved for rebuttal, if any.

4. This decision is effective on the date of service.

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