

ENTERED
Office of Proceedings
August 5, 2015
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

CONSUMERS ENERGY COMPANY)	
)	
Complainant,)	
)	
v.)	Docket No. NOR 42142
)	
CSX TRANSPORTATION, INC.)	
)	
Defendant.)	
)	

**UNOPPOSED MOTION TO WITHDRAW
AND DEFER SECOND MOTION TO COMPEL**

Complainant Consumers Energy Company (“Consumers”) hereby moves to withdraw and defer the Second Motion to Compel that it filed on June 25, 2015, seeking information from Defendant CSX Transportation, Inc. (“CSXT”), relating primarily to Consumers’ revenue adequacy claim.

As a result of the discovery conference held with the Board staff on July 20, 2015, Consumers and CSXT have reached an agreement that resolves most of the discovery issues raised in Consumers’ Second Motion to Compel. As to one category of requested information (CSXT internal assessments relating to revenue adequacy criteria), the parties have not reached a substantive agreement, but have agreed to defer resolution of the matter in order to permit review of materials that CSXT will be producing in response to other requests, as those materials may serve to eliminate the need for or narrow the scope of the request.

 GRANTED Office of Proceedings	DECISION ID NO.: <u>44666</u>
	DECIDED DATE: <u>8/7/15</u>
	SERVICE DATE: <u>8-7-15</u>
	APPROVED: <u>Rachel D Campbell</u> Director
	<input type="checkbox"/>

Accordingly, Consumers moves to withdraw in part and otherwise to defer further resolution of its Second Motion to Compel. Counsel for CSXT has authorized Consumers to represent that CSXT does not oppose this motion.

Respectfully submitted,

CONSUMERS ENERGY COMPANY

By: Catherine M. Reynolds
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Dated: August 5, 2015

Attorneys and Practitioners

CERTIFICATE OF SERVICE

I hereby certify that this 5th day of August, 2015, I caused a copy of the foregoing Unopposed Motion to Withdraw and Defer Second Motion to Compel to be served by electronic mail on the following counsel for Defendant CSX Transportation, Inc.:

G. Paul Moates, Esq.
Raymond A. Atkins, Esq.
Matthew J. Warren, Esq.
Sidley Austin LLP
1501 K Street, NW
Washington, D.C. 20005

I also caused the foregoing Motion to be served by overnight delivery on the following counsel for CSXT:

Peter J. Shudtz, Esq.
Paul R. Hitchcock, Esq.
John P. Patelli, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202

/s/ Katherine F. Waring