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SERVICE DATE – LATE RELEASE NOVEMBER 21, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42130

SUNBELT CHLOR ALKALI PARTNERSHIP

v.

NORFOLK SOUTHERN RAILWAY COMPANY AND
UNION PACIFIC RAILROAD COMPANY

Decided: November 21, 2011

This decision establishes a procedural schedule for this proceeding.

Sunbelt Chlor Alkali Partnership (Sunbelt) challenges the reasonableness of rates and service terms established by Norfolk Southern Railway Company (NSR) and Union Pacific Railroad Company (UP) (collectively, defendants) for the transportation of chlorine from McIntosh, Ala., to LaPorte, Tex. By decision served September 6, 2011, a protective order was adopted for this proceeding. By decision served October 5, 2011, the mediation period was extended until November 23, 2011, the parties' joint motion for a partial stay of the proceeding was granted, and UP's motion for partial dismissal was held in abeyance during the extended mediation period.

On November 15, 2011, Sunbelt filed a motion in which it requests that the Board adopt the following procedural schedule:

Discovery Closes	February 6, 2012
Joint Submission of Operating Characteristics	April 9, 2012
Complainant's Opening	June 1, 2012
Defendants' Replies	October 1, 2012
Complainant's Rebuttal	February 6, 2013
Closing Briefs	March 8, 2013

Sunbelt states that NSR and UP have authorized counsel for Sunbelt to represent that defendants do not oppose the motion. However, defendants' authorization is predicated on Sunbelt's acknowledgement that, if Sunbelt and UP are unable to reach a settlement, this procedural schedule will need to be extended to permit sufficient time for the Board to decide UP's motion for partial dismissal, as well as to allow UP and Sunbelt to engage in discovery, which they have

deferred during the mediation period.¹ Sunbelt requests that the Board adopt this procedural schedule without prejudice to an extension if Sunbelt and UP are unable to reach a settlement prior to January 1, 2012.

Sunbelt's unopposed motion to establish a procedural schedule will be granted, and the procedural schedule set forth above will be adopted for this proceeding, without prejudice to an extension if Sunbelt and UP are unable to reach a settlement prior to January 1, 2012. The parties are reminded that they may request a staff-supervised discovery conference, pursuant to 49 C.F.R. § 1111.8(b) (2).

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

It is ordered:

1. Sunbelt's motion for a procedural schedule is granted, and the schedule described above is adopted for this proceeding, without prejudice to an extension if Sunbelt and UP are unable to reach a settlement prior to January 1, 2012.

2. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

¹ According to the motion, Sunbelt and NSR have not agreed to defer discovery, and as such, they are presently in a position to meet the proposed procedural schedule if UP is dismissed from this case by settlement.