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October 17, 2011

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

OC 17 2011

Part of
Public Record

Re: *Ag Processing Inc A Cooperative – Petition for Declaratory Order*,
STB Docket No. FD 35387

237112

Dear Ms. Brown:

In a decision issued by the Director of the Office of Proceedings on September 22, 2011, the Board announced that – (1) it had instituted a proceeding in the above-referenced matter, (2) it would dispense with additional evidentiary filings, and (3) it had elected to schedule the case for oral argument on October 25, 2011. The Board directed the parties to submit the names of counsel who will present oral argument, and asked counsel to identify the party he or she will be representing.

This letter is to notify the Board that the undersigned will present oral argument on behalf of Norfolk Southern Railway Company (“NSR”).

NSR does not intend to offer exhibits into the record during oral argument. Should NSR determine later that it will offer exhibits requiring the use of the Board’s audio-visual equipment, the undersigned will notify the Board’s staff, and will coordinate with staff as appropriate.

Recently, Petitioners contacted NSR concerning Petitioners’ desire to present argument concerning certain Highly Confidential materials that NSR previously submitted under seal (pursuant to a protective order). For this reason, Petitioners have proposed, and NSR has agreed to, an arrangement whereby Petitioners and NSR will be given an additional 5 minutes each to present argument concerning the Highly Confidential materials in a supplemental, “closed door” session that will follow the conclusion of the public oral argument session. NSR understands

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that Petitioners recently have made a request to the Board for additional time for the "closed door" session, and NSR hereby confirms its consent to this arrangement.

Sincerely,



Robert A. Wimbish

Counsel for Norfolk Southern Railway Company

cc: All parties of record