

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

TOTAL PETROCHEMICALS & REFINING USA, INC.)	234599
)	ENTERED
)	Office of Proceedings
)	July 30, 2013
Complainant,)	Part of
)	Public Record
v.)	Docket No. NOR 42121
)	
CSX TRANSPORTATION, INC.)	
)	
Defendant.)	

**SUPPLEMENTAL REPLY TO
PETITION FOR RECONSIDERATION OF
CSX TRANSPORTATION, INC.**

Total Petrochemicals & Refining USA, Inc. (“TPI”), hereby submits this “Supplemental Reply to Petition for Reconsideration of CSX Transportation, Inc.” (“Supplemental Reply”) By separate motion being filed contemporaneous with this “Supplemental Reply” TPI has requested leave to submit this filing.

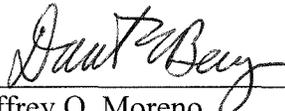
On June 20, 2013, both TPI and CSX Transportation, Inc, (“CSXT”) filed Petitions for Reconsideration of the Board’s May 31, 2013 market dominance decision in this proceeding (hereinafter referred to as the “TPI Petition” and “CSXT Petition”). In accordance with the Board’s rules, TPI and CSXT filed replies to the other’s Petition for Reconsideration on July 24, 2013 (hereinafter referred to as the “TPI Reply” and “CSXT Reply”). CSXT, however, used the CSXT Reply not just to respond to the TPI Petition, but also to present new arguments in support of the CSXT Petition under the pretext of replying to the TPI Petition. This Supplemental Reply responds to those new arguments asserted by CSXT.

This arrangement is different from TPI's typical service to a non-rail customer via transload. Ordinarily, TPI arranges the entire transportation to the customer destination (e.g. rail, bulk terminal, truck). For Cherokee, however, TPI arranges only the rail transportation. Cherokee hires the bulk terminal and the motor carrier and then directs TPI to deliver polymer by rail to that terminal. Consequently, so far as TPI is concerned, the destination is the bulk terminal selected by Cherokee, not the Cherokee plant. TPI has no more control over the destination in that scenario than if it were delivering directly to Cherokee's plant. If Cherokee had rail access, it would store the polymer in rail cars at its plant; because Cherokee does not have rail access, it stores the polymer in rail cars at a bulk terminal that it has selected. TPI explained this situation in its Opening Evidence at II-B-27 and Rebuttal Evidence at II-B-62-66, which belies CSXT's distortions.² {{{ [REDACTED] }}

[[[REDACTED]]]

Thus, despite CSXT's attempt to mischaracterize the Lane B-112 movement, the facts {{{ [REDACTED] }}} are plainly accurate.

Respectfully submitted,



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² If anything, the Cherokee scenario exemplifies TPI's assertion that bulk terminal storage is essential to providing an effective transload alternative. Because CSXT's proposed transload alternative does not account for the storage of polymer in rail cars at the bulk terminals, it does not meet customer needs. If it did, one would assume that Cherokee would forego its bulk terminal inventory and resulting storage costs in favor of the CSXT transload alternative.

CERTIFICATE OF SERVICE

I hereby certify that this 30th day of July 2013, I served a copy of the foregoing upon counsel for defendant CSXT via electronic mail, and first-class mail postage pre-paid at the address below:

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