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Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: *SunBelt Chlor Alkali Partnership v. Norfolk Southern Railway Company and Union Pacific Railroad Company*, STB Docket No. 42130

Dear Ms. Brown:

We represent Defendant Norfolk Southern Railway Company ("NS") in the above-referenced maximum rate reasonableness case. We write to address two new items disclosed for the first time in the February 16, 2012 Reply of Complainant SunBelt Chlor Alkali Partnership ("SunBelt") to NS' Petition for Subpoena, namely that SunBelt and Defendant Union Pacific Railroad Company ("UP") have "reached an agreement in principle" on a settlement and the suggestion by SunBelt that the Board defer its determination of NS' Petition while SunBelt and UP work to complete such a settlement. NS respectfully submits that the Board should not base its ruling on the Petition upon a proposed settlement that may or may not ultimately materialize. Should a settlement take place and the Board grant a motion to dismiss UP from the case, SunBelt will have to amend its Complaint and in so doing, specify what it believes the parameters of the case going forward should be. At such time, NS will be able to respond and to assess whether it is prepared to withdraw or amend the Petition.

Very truly yours,

G. Paul Moates
Paul A. Hemmersbaugh
Matthew J. Warren



Ms. Cynthia T. Brown
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cc: Jeffrey P. Moreno (Counsel for SunBelt)
Michael L. Rosenthal (Counsel for Union Pacific)
Thomas W. Wilcox (Counsel for Occidental Chemical Corporation/Oxy Vinyls, LP)