

August 2, 2016

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VIA ELECTRONIC FILING

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

ENTERED
Office of Proceedings
August 2, 2016
Part of
Public Record

Re: STB Finance Docket No. 36014, Ingredion Incorporated – Petition for Declaratory Order

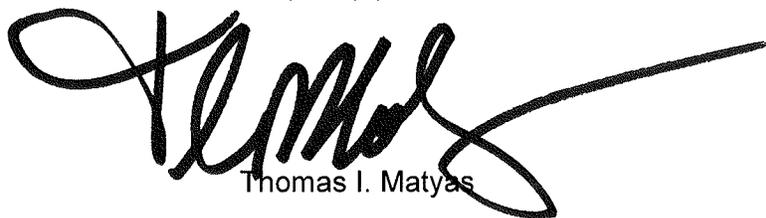
Dear Ms. Brown

The Belt Railway Company of Chicago, (“Belt”) previously filed reply comments in the above-captioned matter in support of and joinder in the Petition filed by Ingredion Incorporated (“Ingredion”) before the Surface Transportation Board (the “Board”).

This letter is written to inform the Board of Belt’s support of Ingredion’s letter filed on August 1, 2016 and attached hereto. Belt adopts and incorporates Ingredion’s August 1, 2016 letter and all of its contents.

Just as Ingredion has, Belt refers the Board to its previous filings in this docket as well as those of Ingredion, and respectfully requests that the Board move forward and issue the declaratory order requested by Ingredion and Belt.

Very truly yours,



Thomas I. Matyas

TIM:jif

cc: John M. Touhy (w/attachment via email: jtouhy@bakerlaw.com)
Katharine E. Heitman (w/attachment via email: kheitman@bakerlaw.com)
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Via Electronic Filing

August 1, 2016

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

Re: STB Finance Docket No. 36014, Ingredion Incorporated – Petition for Declaratory Order

Dear Ms. Brown:

On behalf of Ingredion Incorporated (“Ingredion”), the Petitioner, this letter is written in reply to a letter filed on July 20 in this docket by Coulas Viking Partners (“Coulas Viking”). In its July 20th letter, Coulas Viking informed the Surface Transportation Board (“Board”) of a remand decision by Judge Coleman of the U.S. District Court for the Northern District of Illinois in Coulas Viking Partners v. The Belt Railway Company of Chicago, Case No. 16-cv-3583. Judge Coleman’s decision was included with the Coulas Viking letter.

As a result of Judge Coleman’s decision and the resultant remand, the lawsuit styled as Coulas Viking Partners v. The Belt Railway Company of Chicago (including Ingredion as an intervening party), 13 CH 28409, returns to Illinois state court.

In its July 20th letter, Coulas Viking asserted that the decision means that the Board should deny or stay Ingredion’s Petition for Declaratory Order, a conclusion with which Ingredion strenuously disagrees. Coulas Viking has mischaracterized the court’s decision as seeming to provide a determination that the issues before this Board concern only matters of state law to be decided by the state court. However, the remand decision only addressed the issue of federal court subject matter jurisdiction, not anything else. Judge Coleman did not decide the propriety of the state court making any decision on the relief sought by Coulas Viking in the lawsuit nor the propriety of the declaratory order sought by Ingredion before the Board (neither of those matters were even before Judge Coleman). The remand decision focused on a very narrow legal issue: federal court subject matter jurisdiction. That narrow issue is unrelated to the proceedings and requested relief submitted by Ingredion to be heard by the Board, and joined by The Belt Railway Company of Chicago in support of the relief requested by Ingredion.

It is without question that, on its face, the relief requested by Coulas Viking in its state court complaint seeks to prevent rail service by a Board-authorized railroad, thereby implicating the Board’s exclusive jurisdiction over rail operations. Indeed, Coulas

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Viking conveniently failed to point out to the Board Judge Coleman's statement in the remand decision that the relief sought by Coulas Viking is "likely preempted."

To avoid any confusion over the meaning of the remand decision, and for the reasons set forth in Ingredion's Petition for Declaratory Order, action by the Board remains warranted in this proceeding. A declaratory order from the Board is critically necessary to preserve rail operations to Ingredion's corn processing plant, protect interstate commerce, and safeguard the national rail network.

Ingredion refers the Board to its previous filings in this docket, and respectfully requests that the Board move forward and issue the requested declaratory order.

Respectfully submitted,



Karyn A. Booth
David E. Benz
THOMPSON HINE LLP, and

Rodney Perry
BRYAN CAVE LLP
Attorneys for Ingredion Incorporated

cc: Counsel for Coulas Viking Partners LP
Counsel for The Belt Railway Company of Chicago
