

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
August 14, 2015
Part of
Public Record

<hr/>		
TOTAL PETROCHEMICALS &)	
REFINING USA, INC.)	
)	
Complainant,)	
)	
v.)	Docket No. NOR 42121
)	
CSX TRANSPORTATION, INC.)	
)	
Defendant.)	
<hr/>		

COMPLAINANT’S REPLY TO MOTION TO AMEND PROCEDURAL SCHEDULE

Complainant, Total Petrochemicals & Refining USA, Inc. (“TPI”), hereby replies in opposition to the “Motion to Amend Procedural Schedule” filed by Defendant, CSX Transportation, Inc. (“CSXT”), on August 12, 2015. Although TPI has stated that it will be “difficult” for the parties to submit supplemental evidence within the existing procedural schedule, TPI is committed to making as much effort as it takes to do so. TPI has demonstrated its resolve by continuing to prepare supplemental evidence as requested by the Board while TPI’s Petition to Reconsider the scope of that evidence is pending, without requesting any extension of time, despite the fact that much of TPI’s effort could be rendered moot if the Board grants the Petition.

This five year anniversary of TPI’s Complaint passed on May 4th of this year. Under the Board’s current procedural schedule for supplemental evidence, a final decision would not be required until September 2016, which is more than six years into this proceeding. That will

leave fewer than four years of prescriptive rate relief for TPI out of the 10 years provided in a Stand-Alone Cost proceeding. Further delays jeopardize even that measure of prospective relief.

Moreover, CSXT's motion is premature. If the Board grants TPI's pending Petition for Reconsideration, the scope of supplemental evidence could be vastly reduced, especially for CSXT. In that circumstance, CSXT would not need any of the additional time it seeks.

For the foregoing reasons, TPI asks the Board to deny CSXT's Motion.

Respectfully submitted,



Jeffrey O. Moreno
David E. Benz
Jason D. Tutrone
Thompson Hine LLP
1919 M Street, N.W., Suite 700
Washington, D.C. 20036
(202) 331-8800

August 14, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August 2015, I served a copy of the foregoing upon counsel for defendant CSXT via electronic mail and U.S. first-class mail, postage prepaid, at the address below:

G. Paul Moates
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005

Counsel for CSX Transportation, Inc.



Jeffrey O. Moreno