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ENTERED  
Office of Proceedings  
May 27, 2015  
Part of  
Public Record

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May 27, 2015

## VIA E-FILING

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

Re: Finance Docket No. 32760 (Sub-No. 46) BNSF Railway Company – Terminal Trackage Rights – Kansas City Southern Railway Company and Union Pacific Railroad Company

Dear Ms. Brown:

As the Board is aware, The Kansas City Southern Railway Company (“KCSR”) has three outstanding pending motions to compel discovery, filed January 15, February 6, and February 9, 2015 (collectively “Motions”). Via an April 8, 2015 order (“Order”) from Director Campbell, the Motions were assigned for resolution to Administrative Law Judge Glazer of the Federal Energy Regulatory Commission. As a result of the Order, and the initial efforts of Judge Glazer, the Parties have resolved the disputes underlying the Motions. As such, KCSR hereby requests withdrawal of the Motions, subject to the preservation of all rights of any party to raise objections and claims of relevancy with respect to any document or argument raised or produced in the proceeding.

As a result of the settlement, there is no longer a need for the June 2, 2015 discovery hearing and KCSR has written Judge Glazer (see attached) requesting that the hearing be cancelled. KCSR wishes to thank the Board and Director Campbell for assigning this matter to Judge Glazer and believes that action was crucial in encouraging settlement between the parties.

Sincerely,



William A. Mullins

cc: Parties of Record

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May 27, 2015

## VIA E-MAIL

The Honorable Judge Steven A. Glazer  
Office of Administrative Law Judges  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Re: FD 32760 (Sub-No. 46)  
BNSF Railway Company – Terminal Trackage Rights – The Kansas City Southern  
Railway Company and Union Pacific Railroad Company

Dear Judge Glazer:

I am writing on behalf of The Kansas City Southern Railway Company ("KCS"), BNSF Railway Company ("BNSF"), and CITGO (collectively, the "Parties") to inform you that the Parties have reached a settlement regarding the outstanding discovery disputes that were the subject of KCS's January 15, February 6, and February 9, 2015 motions to compel (collectively, "Motions") and the April 8, 2015 order ("Order") from Director Campbell, Office of Proceedings, Surface Transportation Board ("STB") assigning the resolution of those Motions to your office. As a result of the Order, and the efforts of your office, the Parties have resolved the disputes, subject to the preservation of all rights of objection, including claims of relevancy, and subject to the right to raise such objections and claims in any further STB proceedings or motions to renew discovery. As a result of this settlement, the Parties no longer see a need for the June 2, 2015 discovery hearing and respectfully request that it be cancelled. The Parties would like to thank you, and your clerk, Andrew Satten, for your time and willingness to resolve these issues.

Respectfully submitted,



William A. Mullins  
Attorney for The Kansas City Southern Railway  
Company

cc: Parties of Record