



(3) The Parties recently entered into commercial discussions, culminating in the development and execution of confidential rail transportation agreements governing CP rail service for certain of Agrium's traffic (including the traffic that is the subject of the Complaint).

(4) As a result of the Parties' entering into new rail transportation agreements, the issues involved with respect to the transportation at issue in this proceeding have been rendered moot at this time, and the Parties no longer desire the Board to hold further proceedings in this docket.

(5) Under the circumstances and in light of these developments, the Parties jointly request that the Board: (i) dismiss Agrium's complaint without prejudice; and (ii) discontinue this proceeding.

(6) Granting this Joint Petition to Dismiss "is consistent with the Board's longstanding policy of encouraging the private resolution of disputes through voluntary negotiations whenever possible." *CF Indus. Inc. v. Kaneb Pipe Line Partners, L.P.*, Docket No. 42084 (STB served Nov. 21, 2006) slip op. at 2. It is also consistent with prior Board decisions in other similar circumstances. *See, e.g., Brampton Enters., LLC v. Norfolk S. Ry. Co.*, Docket No. 42118 (STB served Sept. 29, 2011) (granting motion to dismiss, without prejudice); *Ashbro, Inc. – Petition for Declaratory Order – Wilson Spur Track in Denham Springs, LA*, Finance Docket No. 35171 (STB served Feb. 22, 2010) (same).

WHEREFORE, for the reasons set forth above, Agrium and CP jointly request that the Board dismiss, in its entirety, this proceeding without prejudice.

Respectfully submitted,

CANADIAN PACIFIC RAILWAY  
COMPANY

AGRIUM INC. and AGRIUM U.S. INC.

---

/s/ David F. Rifkind  
John McCaffrey  
Matthew Smilowitz  
Stinson Leonard Street LLP  
1775 Pennsylvania Ave. N.W., Suite 800  
Washington, D.C. 20006  
(202) 785-9100

---

/s/ Peter A. Pfohl  
Frank J. Pergolizzi  
Katherine F. Waring  
Slover & Loftus LLP  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036  
(202) 347-7170

Counsel for Canadian Pacific Railway  
Company

Counsel for Agrium Inc. and Agrium  
U.S. Inc.

Dated: May 2, 2016