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BEFORE THE
SURFACE TRANSPORTATION BOARD

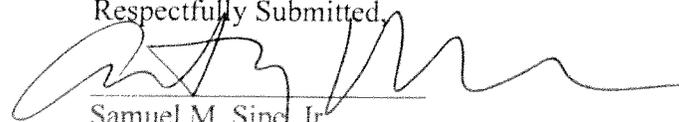
STB Docket No. 42123

M & G POLYMERS USA, LLC
v.
CSX TRANSPORTATION, INC.

BNSF RAILWAY COMPANY'S
MOTION TO PARTICIPATE AS *AMICUS CURIAE*

BNSF Railway Company ("BNSF") filed comments in this proceeding yesterday, November 28, 2012, regarding the Board's new methodology for assessing qualitative market dominance described in a decision served on September 27, 2012. BNSF has an interest in the Board's market dominance rules for reasons stated in BNSF's comments, including that BNSF has been a party in various rate reasonableness proceedings. In its comments, BNSF only expresses its views on the new qualitative market dominance methodology described in the Board's September Decision. BNSF takes no position on the application of the new methodology in this private rate dispute. BNSF hereby moves to participate as *amicus curiae* in the above-referenced proceeding.

Respectfully Submitted,



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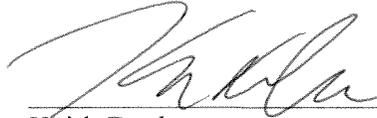
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November 29, 2012

Counsel for BNSF Railway Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing BNSF Railway Company's Motion to Participate as *Amicus Curiae* has been served this 29th day of November, 2012 via first-class mail, postage prepaid, upon all parties of record in STB Docket No. NOR 42123.



Keith Decker