



**EXPEDITED CONSIDERATION REQUESTED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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<b>TOTAL PETROCHEMICALS &amp; REFINING USA, INC.</b>		)	
	<b>Complainant,</b>	)	
	<b>v.</b>	)	<b>Docket No. NOR 42121</b>
<b>CSX TRANSPORTATION, INC.</b>		)	
	<b>Defendant.</b>	)	
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**MOTION TO MODIFY PROCEDURAL SCHEDULE**

Pursuant to 49 CFR § 1117.1, Complainant, Total Petrochemicals & Refining USA, Inc. (“TPI”), hereby files this Motion to Modify Procedural Schedule (“Motion”) in the above-captioned proceeding. With this Motion, TPI requests that the Surface Transportation Board (“Board”) make a very small adjustment to the existing procedural schedule by adding a few days to each of the due dates under the current schedule. TPI has consulted with defendant CSX Transportation, Inc. (“CSXT”) regarding this Motion, and counsel for CSXT has authorized TPI’s counsel to state that CSXT does not oppose the requested modification, and that CSXT will not be filing a reply in response to this Motion. As described below, **TPI respectfully requests expedited consideration of this Motion.**

The current procedural schedule was issued by the Board in a decision served on November 25, 2013. Pursuant to that schedule, TPI’s Opening Evidence on rate reasonableness is due Friday, February 14, 2014. TPI is requesting an extension of this due date until the following business day, which is Tuesday, February 18, 2014, with similar extensions for all subsequent filing due dates.

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As the Board knows, rail rate cases pursuant to the Stand-Alone Cost (“SAC”) constraint are extremely complex and data-intensive endeavors, and this proceeding is one of the most complex SAC cases ever presented to the Board. As part of a SAC case, parties rely upon the Rail Traffic Controller (“RTC”) computer program to model the peak period operations of the Stand-Alone Railroad (“SARR”). TPI, however, has encountered unanticipated delays in running the peak period trains through the RTC model that have impaired its ability to file Opening Evidence on February 14th. Without the statistics generated by the RTC model, TPI cannot develop many of the operating and investment costs that are essential to the SAC analysis.

TPI is optimistic that it will be able to finalize its SAC evidence within the requested extension. In order to ensure that this extension does not prejudice the remaining due dates, TPI is requesting that those dates also be extended by a comparable number of days. Where the extended date would fall on a weekend, the due date would be the following Monday. The proposed new procedural schedule is as follows:

Event	Current Schedule from Nov. 25 decision	Modified Schedule
TPI Opening	February 14, 2014 (Fri.)	February 18, 2014 (Tue.)
CSXT Reply	July 15, 2014 (Tue.)	July 21, 2014 (Mon.)
TPI Rebuttal	September 29, 2014 (Mon.)	October 6, 2014 (Mon.)
Final Briefs	October 20, 2014 (Mon.)	October 27, 2014 (Mon.)

As shown above, the total extension requested herein would add just one week to the entire procedural schedule.

For the foregoing reasons, TPI asks the Board to modify the procedural schedule as described above. Given that TPI’s Opening Evidence is due in just seven days (on February

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14th), **TPI respectfully requests that the Board address this Motion in an expedited manner.**

Respectfully submitted,



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February 7, 2014

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of February 2014, 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  
Paul Hemmersbaugh  
Matthew Warren  
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*Counsel for CSX Transportation, Inc.*

  
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David E. Benz