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January 17, 2007

VIA ELECTRONIC FILING

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-878
City Of Peoria and The Village of Peoria Heights, IL — Adverse
Discontinuance—Pioneer Industrial Railway Company

Dear Secretary Williams:

Enclosed on behalf of Pioneer Industrial Railway Co., is a Revised Motion to Compel Discovery (“Revised Motion”) in accordance with the Board’s decision in the above-captioned proceedings served on January 12, 2007. As can be seen from the certificate of service attached, copies of this Revised Motion are being served today on all parties of record.

Please acknowledge filing of this Revised Motion by return electronic receipt. If there are any questions concerning this filing, please contact me by telephone at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,



William A. Mullins

Enclosures

cc: Daniel A. LaKemper, Esq.
All Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-878

**CITY OF PEORIA AND THE VILLAGE OF PEORIA HEIGHTS, IL—ADVERSE
DISCONTINUANCE—PIONEER INDUSTRIAL RAILWAY COMPANY**

REVISED MOTION TO COMPEL DISCOVERY

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January 17, 2007

**Attorneys for Pioneer Industrial
Railway Co.**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-878

**CITY OF PEORIA AND THE VILLAGE OF PEORIA HEIGHTS, IL—ADVERSE
DISCONTINUANCE—PIONEER INDUSTRIAL RAILWAY COMPANY**

REVISED MOTION TO COMPEL DISCOVERY

Pursuant to 49 CFR § 1114.31, Pioneer Industrial Railway Co. (“PIRY”) requests the Surface Transportation Board (“Board”) to issue an order compelling Central Illinois Railroad Company (“CIRY”), the City of Peoria, IL, and the Village of Peoria Heights, IL (collectively “Cities”), and The Pleasure Driveway and Park District of Peoria, IL (“Park District”)¹ to provide the information requested herein in connection with discovery PIRY previously has served on each of the Parties. As set forth below, to the extent that the Parties continue to object to discovery, PIRY requests the Board to act on this revised motion to compel (“Revised Motion”), which motion relates back to the motions to compel held in abeyance pursuant to a decision in this and its related proceedings served on April 25, 2006.

As directed by the Board in its decision served on January 12, 2006 (“January 12 Decision”), PIRY has reassessed the discovery requests it had previously served on the Parties, and has refined and revised its requests as set forth herein. Accordingly, the subject Revised Motion urges the Board to compel responses to the discovery requests (some of which PIRY has amended or narrowed) that continue to be relevant to the issues now before the Board.

¹ Hereinafter, CIRY, the Cities, and the Park District will be referred to collectively as “the Parties.”

Furthermore, although technically Finance Docket No. 34917 and AB-1066X proceedings are no longer pending proceedings, PIRY asks the Board to consider the discovery that PIRY sought from each of the Parties in the various proceedings to apply equally to this proceeding. This is especially so given that the revised and narrowed discovery is relevant to the issues the Board must consider in determining whether to grant an adverse discontinuance, even though such discovery may have technically been filed in one of the discontinued proceedings.

PROCEDURAL HISTORY AND BACKGROUND

On February 23, 2006, PIRY served discovery upon the Cities. The Cities replied to that discovery on March 2, 2006, advising PIRY that discovery was not appropriate at that time and that the Cities would not respond substantively to the requests.

On February 24, 2006, PIRY served discovery requests upon CIRY. CIRY, which was then represented by the same counsel that represents the Cities no longer has the same counsel, objected to this discovery for virtually the same reasons given in the Cities' refusal to answer discovery.

Also on February 24, 2006, PIRY served discovery requests upon the Park District. PIRY re-served these discovery requests on March 23, 2006. The Park District notified PIRY on April 7, 2006, that the Park District would not respond to the discovery requests.

On March 7, 9 and 23, respectively, PIRY filed motions for the Board to compel discovery responses from CIRY, the Cities, and the Park District.² The Cities and CIRY responded to those motions on March 20, 2006. The Board held the motions to compel in

² Because PIRY re-served the Park District with discovery on March 23 – thereby allowing the Park District to respond to discovery to which it did not respond at all following PIRY's first attempt to serve discovery on February 24 – PIRY withdrew its March 23 motion to compel and filed a renewed motion to compel with respect to the Park District's non-answer on April 17, 2006.

abeyance, pending further development of the record in these discontinuance proceedings, in a decision served on April 25, 2006.

In its January 12 Decision, the Board revisited PIRY's three pending motions to compel. The Board has instructed that, in light of the matters addressed in its January 12 Decision, it would be appropriate for PIRY to reassess its discovery and to "refine its discovery requests to more closely address the remaining issues." January 12 Decision at 11. In that decision, served last Friday afternoon, the Board allowed PIRY five days spanning a weekend and a federal holiday to make such refinements.

In keeping with the Board's January 12 Decision and in light of the very short time it has been given for this undertaking, PIRY has revised the discovery requests underlying its outstanding motions to compel, eliminating certain discovery requests, modifying others to reflect the remaining issues, and retaining other requests as originally submitted to the Parties. If the Parties continue to object to any or all of the discovery contained herein, PIRY understands that the Parties have five days to present their respective cases and that the Board will shortly thereafter rule on this Revised Motion.

DISCUSSION

At the outset, PIRY notes that this Revised Motion stems from the Parties' unwillingness to respond to any of the previously-filed discovery requests. As the records reflect, PIRY already has filed motions to compel discovery responses, and has supplied substantial legal argument in support of its motions. Because much of that argument may remain relevant here, PIRY incorporates by reference its previously-filed motions to compel. As those motions convey, the Parties cannot successfully evade the rigors of discovery simply because they find it bothersome to respond substantively to such requests for information.

The January 12 Decision indicates that, in the interest of time and procedural efficiency, the Board will dispense with another formal round of discovery under its rules – with the attendant tender of revised discovery by PIRY to the Parties followed by formal responses and, if necessary, another round of motions to compel. Instead, the Board’s decision favors a process allowing PIRY a short amount of time to modify its discovery requests and related motions to compel. Under this process, the Board also has given the Parties 5 days to respond to the Revised Motion.

In instructing PIRY to “refine” its discovery requests, the Board did not rule that any of the Parties against whom PIRY seeks discovery are, or should be, relieved of an obligation to respond going forward. Certainly, if the Board had determined that any party against whom PIRY has taken discovery categorically should be excused from responding, the Board would have so stated in the January 12 Decision. But the Board did not do so, and PIRY therefore concludes that responses to “narrowed” discovery requests would be appropriate from all of the Parties. To the extent these Parties refuse to produce that discovery or continue to object to it, PIRY requests the Board to compel its production in a relatively quick turnaround time so that PIRY can incorporate any discovery responses in its March 5 comments.

In keeping with the apparent objective of the January 12 Decision, PIRY offers the following revisions to the discovery contained in its three pending motions to compel. The discovery originally served on CIRY, the Cites, and the Park District differ in minor respects, so PIRY will deal with its revisions to each set of discovery requests in turn.

I. DISCOVERY REQUESTS TO CIRY

The discovery requests originally served on CIRY are attached hereto as Exhibit 1.³

³ Rather than supply the Board with the entire formal discovery request to CIRY (which is contained in PIRY’s March 7 motion to compel) complete with definitions and instructions, PIRY offers here only the pages of that document that contain the actual discovery requests.

PIRY hereby withdraws discovery requests 1, 2, 8, 9, 10, 11, and 13.⁴ PIRY makes no revision, and urges the Board to compel CIRY to respond in full, to discovery requests 3, 4, 6, 7, and 14. PIRY hereby narrows the scope of, and requests that the Board compel responses to, discovery requests 5 and 12 as follows:

Request No. 5. Produce all information in Your possession regarding the rates, service schedules, levels of service, carloads, types, contracts and/or other agreements, negotiations regarding service, and other information that relates to CIRY's service to Carver Lumber Company ("Carver"), O'Brien Steel Service Co. ("O'Brien"), and/or any other existing or potential shipper located on the Kellar Branch (including proposals to provide service made by CIRY or any request for service information from any potential shipper(s)) from the date of the inception of CIRY's common carrier obligation on the Kellar Branch up to and including the date of your response.

Request No. 12. Produce all information in Your possession concerning interchange of traffic handled by CIRY moving to or from Carver and O'Brien on the one hand to and from UP, TZPR, and/or P&PU on the other.

Each of the discovery requests to which PIRY seeks an order compelling a response – assuming CIRY does not now agree to respond in full without the need to be compelled to do so – goes to the issue of the adequacy of CIRY's service to Carver,⁵ and, more generally, to any

⁴ PIRY maintains that discovery request 1, which is common among all of the discovery PIRY has served in these proceedings, would still be highly relevant to environmental issues under NEPA had CIRY not sought permission to withdraw its petition to discontinue service over the Kellar Branch.

⁵ To be clear, PIRY does not speak for Carver in this proceeding, nor Carver for PIRY. By the same token, PIRY does not have ready access to Carver's data or records as they may pertain to these proceedings. Accordingly, to the extent that PIRY seeks information from the parties with respect to Carver, the Parties cannot reasonably presume that they may avoid substantive responses simply because PIRY might be able to get some of this information from Carver.

other existing or potential shippers on the Kellar Branch, including O'Brien⁶ (who PIRY believes may be exercising self-help to access other rail carriers rather than receiving service directly from CIRY). Furthermore, discovery going to the issue of CIRY's safety record is highly relevant, because continued unsafe operations by CIRY could result in temporary and even long term blockage of the tracks leading to Carver's facility and/or service embargoes occasioned by accidents. Moreover, accidents involving Carver shipments disrupt Carver's business and would therefore be of interest to anyone interested in weighing the adequacy of a carrier's service. Accordingly, discovery requests 3 and 4 are appropriate and should be responded to in full.

Discovery requests 6 and revised 5, 12, and 14 plainly address service issues of central relevance to the Board's public convenience and necessity ("PC&N") test for adverse discontinuances, and, in particular the service that Carver receives, including the availability and adequacy of its routing options via CIRY when compared to Carver's service and routing options under PIRY service. Moreover, discovery request 15 is commonplace in discovery, and is necessary for PIRY and the Board to evaluate the reliability of the information obtained through discovery in addition to the likely degree of knowledge of the responder(s) to supplying answers.

Finally, discovery request 7 is critically important, because, among other things, it seeks information concerning CIRY's future plans and any agreements with other Parties with respect to the future plans of the Kellar Branch. Although it now appears that CIRY has disavowed any effort to discontinue its common carrier obligations over the Kellar Branch (thus obviating the possibility, at least in the near term, that the line would be salvaged), it is unclear how this action

Moreover, the parties may not presume that requested information in their possession about Carver would necessarily be available from Carver itself.

⁶ O'Brien is another shipper located on the Kellar Branch, albeit on the opposite end of that branch from Carver. PIRY seeks information concerning CIRY's service to O'Brien, because that information could provide a measure of CIRY's overall attitude toward serving any and all customers located on the Keller Branch.

corresponds to the plans of the Cities and the Park District and whether or not any further deals or understandings have been struck between CIRY on the one hand and the Cities and the Park District on the other concerning the future disposition of the Kellar Branch. Such information, quite obviously, would be instrumental in evaluating the future service prospects for shippers on the line.

II. DISCOVERY REQUESTS TO THE CITIES

The discovery requests originally served on the City of Peoria and on the Village of Peoria Heights are attached hereto as Exhibit 2.⁷ PIRY hereby withdraws discovery requests 1, 2, 6, 7, 8, 9, and 11. PIRY makes no revision, and urges the Board to compel CIRY to respond in full, to discovery requests 3, 4, 5, and 13. PIRY hereby revises to narrow the scope of, and requests that the Board compel responses to, discovery requests 10, and 12 as follows:

Request No. 10. Produce all information in Your possession concerning interchange of traffic handled by CIRY moving to or from Carver and O'Brien on the one hand to and from UP, TZPR, and/or P&PU on the other.

Request No. 12. Produce all information in Your possession that relates to the use by Carver and O'Brien of CIRY rail service on the Kellar Branch.

The revised discovery that PIRY would have the Board compel the Cities to respond to is relevant to the proceedings for the reasons set forth in Section I, above.

III. DISCOVERY REQUESTS TO THE PARK DISTRICT

The discovery requests originally served on the Park District are attached hereto as

⁷ The requests served on these two municipalities are identical, and only one copy is supplied in the interest of brevity. Furthermore, rather than supply the Board with the entire formal discovery request to the Cities (which are contained in PIRY's March 9 motion to compel) complete with definitions and instructions, PIRY offers here only the pages of that document containing the actual discovery requests.

Exhibit 3.⁸ PIRY hereby withdraws discovery requests 1, 2, 7, 8, 9, 10, and 12. PIRY makes no revision, and urges the Board to compel CIRY to respond in full, to discovery requests 3, 5, 6, and 14. PIRY hereby revises to narrow the scope of, and requests that the Board compel responses to, discovery requests 4, 11, and 13 as follows:

Request No. 4. Produce all written and electronic communications, and describe all oral communications, between the Park District on the one hand and Carver Lumber Company (“Carver”) and/or O’Brien Steel Service Co. (“O’Brien”) that relate to the Kellar Branch.

Request No. 11. Produce all information in Your possession concerning interchange of traffic handled by CIRY moving to or from Carver and O’Brien on the one hand to and from UP, TZPR, and/or P&PU on the other.

Request No. 13. Produce all information in Your possession that relates to the use by Carver and/or O’Brien of rail service on the Kellar Branch.

The revised discovery generally seeks information in the Park District’s possession that would not be produced by CIRY in its responses to discovery. This revised discovery also seeks information concerning the Park District’s efforts toward conversion of the Kellar Branch right-of-way for recreational purposes. Such information is highly relevant to the PC&N balancing test that the Board has indicated that it will undertake. PIRY believes that CIRY’s unqualified commitment to operate the Kellar Branch is critical, if not central, to the adequacy of Carver’s service needs as well as the needs of any other existing or future shippers on that line. For that reason, PIRY submits that information relating to the Park District’s interaction with shippers that might wish to have service via the Kellar Branch could carry much weight, particularly to

⁸ Rather than supply the Board with the entire formal discovery request to the Park District (which is contained in PIRY’s April 17 renewed motion to compel) complete with definitions and instructions, PIRY offers here only the pages of that document that contain the actual discovery requests.

the extent that the Park District has been working with CIRY or any other entity to further the effort ultimately to dismantle that rail line.

CONCLUSION

In each of its March-April 2006 motions to compel discovery from CIRY, the Cities and the Park District, PIRY gave thorough and detailed explanations for why the discovery it has propounded is appropriate and why responses thereto should be compelled. CIRY, the Cities, and the Park District have all, to this point, taken the position that they need not respond at all to the discovery requests. Were these Parties correct, were it true that discovery as a general matter is not appropriate for any or all of these Parties, then the Board could have so stated in its January 12 Decision, and, in the process, effectively terminated PIRY's efforts to pursue discovery. But the Board did not do so. Rather, it allowed PIRY, on the basis of new developments, to "refine" its discovery to address the narrower issues pertaining to the renewed PC&N evaluation that the Board has committed to undertake.

The discovery requests that PIRY asks the Parties to respond to, or, if they refuse, for the Board to compel responses to, which are contained in this Revised Motion, take into account the new developments in these proceedings and the narrowing of the issues occasioned by the Board's January 12 Decision. In response to that Board decision, PIRY has pared roughly by half the number of discovery requests to which it would have each of the Parties respond. Of the remaining discovery requests, PIRY has modified many to narrow their scope. Although PIRY believes that at least some of the requests that it has withdrawn voluntarily still would produce relevant information, PIRY has nevertheless reduced its discovery requests in good faith in accordance with the spirit of the Board's January 12 Decision.

As it has explained in its previous motions to compel, PIRY seeks discovery in this proceeding to provide the Board with a more complete record and to incorporate that discovery

in its March 5 comments. Therefore, to the extent the Parties do not agree voluntarily to supply the requested information, CIRY, the Cities, and the Park District should be compelled to respond in full to PIRY's revised discovery requests.

Respectfully submitted,

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Attorneys for Pioneer Industrial Railway Co.

CERTIFICATE OF SERVICE

I, Robert A. Wimbish, hereby certify that on this 17th day of January, 2007, copies of the foregoing Revised Motion to Compel Discovery have been served by first class mail, postage prepaid, or by more expeditious means of delivery upon all Parties of record in F.D. No. 34917, AB-878, and AB-1066X who are identified on the Surface Transportation Board's website. A copy has also been e-mailed to counsel for CIRY, the Cities, and the Park District.



Robert A. Wimbish

Attorney for Pioneer Industrial Railway Co.

responses with respect to any question.

Exhibit 1

DISCOVERY REQUESTS

Request No. 1. Produce all information in Your possession concerning any communications with, and all documents provided to or received from, the STB's Section of Environmental Analysis in connection with This Proceeding or F.D. 34066, F.D. 34395, F.D. 34518, or AB-878.

Request No. 2. Produce all information in Your possession concerning derailments of railcars on the Kellar Branch since August 9, 2005.

Request No. 3. Produce all information in Your possession concerning any accidents, safety violations, or accidental release of lading involving rail shipments that have moved on the Kellar Branch since August 9, 2005.

Request No. 4. Produce all accident and injury reports filed with the Federal Railroad Administration by CIRY since January 1, 2001.

Request No. 5. Produce all information in Your possession regarding the rates, service schedules, levels of service, carloads, types, and any other information that relates to CIRY's operations over the Kellar Branch, including any contract between the Cities and CIRY for CIRY to provide rail service over the Kellar Branch or any other rail line owned or operated by the Cities.

Request No. 6. Identify all on-track equipment operated by CIRY.

Request No. 7. Produce all information in Your possession concerning any discussions, contracts, negotiations, and any other document regarding rail service, either past, future, or existing, to any Shipper over any portion of the Kellar Branch or any portion of any other rail line owned or operated in whole or in part by the Cities or that connects with the Kellar Branch, whether or not it is owned or operated by the Cities.

Request No. 8. Produce all information in Your possession, Including contracts, correspondence, and any other document, that relates to the Cities and UP regarding rail service over, or to a connection with, the Kellar Branch or to/from any rail line (either existing or that has been approved for construction, even if construction has not been completed) that connects with the Kellar Branch or any portion of the Kellar Branch.

Request No. 9. Produce all information in Your possession, Including contracts, correspondence, and any other document, regarding rail service over, or to a connection with, the former UP track to the west of the Kellar Branch that was the subject of F.D. 34066.

Request No. 10. Produce all information in Your possession, Including contracts, correspondence, and any other document, regarding rail service over, or to a connection with, the track that is being constructed to connect the north end of the Kellar Branch to the former UP track, and that was the subject of F.D. 34395.

Request No. 11. Produce all information in Your possession, Including deeds, title search information, title opinions, contracts, correspondence, survey reports, valuation maps, and any other form of document, that relates to the Cities' ownership of the Kellar Branch, Including the tracks, switches, ties, and other track materials, and the ownership of, or the right to use, the underlying real estate to provide rail service.

Request No. 12. Produce all information in Your possession concerning interchange of traffic, moving to or from Shippers heretofore served using the Kellar Branch, to and from UP, TZPR, and P&PU.

Request No. 13. Produce all information in Your possession that relates to any contract between the Cities and any contractor for construction of the track authorized in F.D. 34395.

Request No. 14. Produce all information in Your possession that relates to the use by Shippers and potential Shippers of rail service on the Kellar Branch.

Request No. 15. Identify the person(s) providing the response to each of these Requests.

Respectfully submitted,



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Attorneys for Pioneer Industrial Railway
Company

responses with respect to any question.

DISCOVERY REQUESTS

Exhibit 2

Request No. 1. Produce all information in Your possession concerning any communications with, and all documents provided to or received from, the STB's Section of Environmental Analysis in connection with This Proceeding or F.D. 34066, F.D. 34395, F.D. 34518, or AB-1066X.

Request No. 2. Produce all information in Your possession concerning derailments of railcars on the Kellar Branch since August 9, 2005.

Request No. 3. Produce all information in Your possession concerning any accidents, safety violations, or accidental release of lading involving rail shipments that have moved on the Kellar Branch since August 9, 2005.

Request No. 4. Produce all information in Your possession regarding the rates, service schedules, levels of service, carloads, types, and any other information that relates to CIRY's operations over the Kellar Branch, including any contract between the City and/or the Village of Peoria Heights and CIRY for CIRY to provide rail service over the Kellar Branch or any other rail line owned or operated by the City or the Village of Peoria Heights.

Request No. 5. Produce all information in Your possession concerning any discussions, contracts, negotiations, and any other document regarding rail service, either past, future, or existing, to any Shipper over any portion of the Kellar Branch or any portion of any other rail line owned or operated in whole or in part by the City or that connects with the Kellar Branch, whether or not it is owned or operated by the City.

Request No. 6. Produce all information in Your possession, including contracts, correspondence, and any other document, that relates to the City and/or the Village of Peoria

Heights and UP regarding rail service over, or to a connection with, the Kellar Branch or to/from any rail line (either existing or that has been approved for construction, even if construction has not been completed) that connects with the Kellar Branch or any portion of the Kellar Branch.

Request No. 7. Produce all information in Your possession, including contracts, correspondence, and any other document, regarding rail service over, or to a connection with, the former UP track to the west of the Kellar Branch that was the subject of F.D. 34066.

Request No. 8. Produce all information in Your possession, including contracts, correspondence, and any other document, regarding rail service over, or to a connection with, the track that is being constructed to connect the north end of the Kellar Branch to the former UP track, and that was the subject of F.D. 34395.

Request No. 9. Produce all information in Your possession, including deeds, title search information, title opinions, contracts, correspondence, survey reports, valuation maps, and any other form of document, that relates to the City's ownership of the Kellar Branch, including the tracks, switches, ties, and other track materials, and the ownership of, or the right to use, the underlying real estate to provide rail service.

Request No. 10. Produce all information in Your possession concerning interchange of traffic, moving to or from Shippers heretofore served using the Kellar Branch, to and from UP, TZPR, and P&PU.

Request No. 11. Produce all information in Your possession that relates to any contract between the City and/or the Village of Peoria Heights and any contractor for construction of the track authorized in F.D. 34395.

Request No. 12. Produce all information in Your possession that relates to the use by Shippers and potential Shippers of rail service on the Kellar Branch.

Request No. 13. Identify the person(s) providing the response to each of these Requests.

Respectfully submitted,



William A. Mullins

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Attorneys for Pioneer Industrial Railway
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10. Pursuant to 49 C.F.R. § 1114.29, You are under a duty seasonably to supplement Your responses with respect to any question.

DISCOVERY REQUESTS

Request No. 1. Produce all information in Your possession concerning any communications with, and all documents provided to or received from, the STB's Section of Environmental Analysis in connection with This Proceeding or F.D. 34066, F.D. 34395, F.D. 34518, or AB-878.

Request No. 2. Produce all information in Your possession concerning derailments of railcars on the Kellar Branch since August 9, 2005.

Request No. 3. Produce all information in Your possession concerning any accidents, safety violations, or accidental release of lading involving rail shipments that have moved on the Kellar Branch since August 9, 2005.

Request No. 4. Produce all written and electronic communications, and describe all oral communications, between the Park District and any Shipper that relate to the Kellar Branch.

Request No. 5. Produce all information in Your possession that relates to the planned removal of any portion of the Kellar Branch.

Request No. 6. Produce all information in Your possession concerning any discussions, contracts, negotiations, and any other document regarding rail service, either past, future, or existing, to any Shipper over any portion of the Kellar Branch or any portion of any other rail line owned or operated in whole or in part by the Cities or that connects with the Kellar Branch, whether or not it is owned or operated by the Cities.

Request No. 7. Produce all information in Your possession, including contracts, correspondence, and any other document, that relates to the Cities and UP regarding rail service over, or to a connection with, the Kellar Branch or to/from any rail line (either existing or that

has been approved for construction, even if construction has not been completed) that connects with the Kellar Branch or any portion of the Kellar Branch.

Request No. 8. Produce all information in Your possession, including contracts, correspondence, and any other document, regarding rail service over, or to a connection with, the former UP track to the west of the Kellar Branch that was the subject of F.D. 34066.

Request No. 9. Produce all information in Your possession, including contracts, correspondence, and any other document, regarding rail service over, or to a connection with, the track that is being constructed to connect the north end of the Kellar Branch to the former UP track, and that was the subject of F.D. 34395.

Request No. 10. Produce all information in Your possession, including deeds, title search information, title opinions, contracts, correspondence, survey reports, valuation maps, and any other form of document, that relates to the Cities' ownership of the Kellar Branch, including the tracks, switches, ties, and other track materials, and the ownership of, or the right to use, the underlying real estate to provide rail service.

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Request No. 12. Produce all information in Your possession that relates to any contract between the Cities and any contractor for construction of the track authorized in F.D. 34395.

Request No. 13. Produce all information in Your possession that relates to the use by Shippers and potential Shippers of rail service on the Kellar Branch.

Request No. 14. Identify the person(s) providing the response to each of these Requests.
