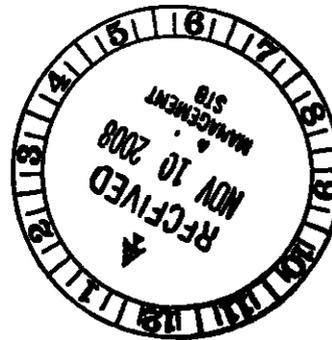


November 10, 2008

223928



The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, D C 20423

RE: Docket No. NOR 42112; *E I du Pont de Nemours and Company v CSX Transportation, Inc*

Dear Secretary Quinlan

Please find enclosed for filing in the above referenced matter, an original and ten (10) copies of E I du Pont de Nemours and Company's Complaint. Also enclosed is a compact disk containing the electronic version of the written text in pdf format. In addition, a check in the amount of \$350.00 is enclosed for the filing fee.

An extra copy of this filing is enclosed for stamping and returning to our offices.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

  
Nicholas J. DiMichael  
Jeffrey O. Moreno

ENTERED  
Office of Proceedings

NOV 10 2008

Part of  
Public Record

**FILED**

NOV 10 2008

**SURFACE  
TRANSPORTATION BOARD**

**FEE RECEIVED**

NOV 10 2008

**TRANSPORTATION BOARD**

223928

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

_____ )	
E.I DUPONT DE NEMOURS AND COMPANY )	)
Complainant. )	)
v. )	)
CSX TRANSPORTATION, INC )	)
Defendant. )	)
_____ )	

Docket No. NOR 421



**FILED**  
NOV 10 2008

**COMPLAINT SURFACE  
TRANSPORTATION BOARD**

COMES NOW Complainant, E.I. du Pont de Nemours and Company ("DuPont"), 4417 Lancaster Pike, Wilmington, DE 19805, and files this Complaint against Defendant, CSX Transportation, Inc. ("CSXT"), 500 Water Street, Jacksonville, Florida 32202. DuPont brings this Complaint pursuant to 49 U.S.C. §§ 10701, 10704, 10707, 11701 and 11704, and 49 C.F.R. Part 1111. DuPont requests that the Surface Transportation Board ("STB" or "Board") prescribe reasonable rates and service terms for CSXT's transportation of the movements set forth in Exhibits A and B to this Complaint. DuPont asks the Board to award damages, plus interest, to the extent that DuPont has paid or will pay common carrier rates in excess of a reasonable maximum rate for such transportation, beginning on December 1, 2008. DuPont asks this Board to determine the reasonableness of CSXT's rates using the constrained market pricing principles and procedures adopted in *Coal Rate Guidelines--Nationwide*, Ex Parte No. 347 (Sub-No. 1), 1 I.C.C. 2d 520 (1985), as further refined and applied in subsequent decisions issued by the Interstate Commerce Commission and the Board.

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SURFACE  
TRANSPORTATION BOARD

In support of this Complaint, DuPont states as follows:

**The Parties**

1. DuPont is a corporation organized under the laws of the State of Delaware, with its principal place of business in Wilmington, Delaware. DuPont is a manufacturer of chemicals, additives, plastics, coatings and agricultural products, with numerous production facilities throughout the continental United States and around the globe. DuPont is a major user of rail service to transport commodities that it consumes and produces at its various facilities and that it sells to customers in the continental United States and around the world.

2. CSXT is a Class I common and contract carrier by railroad that engages in the transportation of property in interstate and intrastate commerce. Its headquarters are in Jacksonville, Florida. CSXT is subject to the Interstate Commerce Commission Termination Act of 1995 (49 U.S.C. §§ 10101 *et seq.*) and to the jurisdiction of the Board

**Description of the Issue Movements**

3. In this Complaint, DuPont challenges the reasonableness of CSXT's rates for the movement of 38 commodities between 99 origin and destination pairs set forth in Exhibits A and B.

4. CSXT transports the commodities between the points identified in Exhibit A in single line service.

5. CSXT transports the commodities between the points identified in Exhibit B in joint line service. CSXT has published AAR Accounting Rule 11 rates for these movements.

**The Challenged Rates**

6. Prior to June 16, 2007, CSXT transported the commodities between the points identified in Exhibits A and B pursuant to a Master Contract with DuPont. When the parties

were unable to reach agreement on new contract rates, CSXT published common carrier tariff rates in a collection of private price lists for DuPont. The rates published by CSXT were the same contract rate offers that DuPont had rejected.

7. In STB Docket Nos. NOR 42099, 42100 and 42101, DuPont challenged the reasonableness of CSXT's tariff rates for the transportation of four different commodities between seven different origin-destination pairs, pursuant to the Board's simplified and expedited procedures adopted in STB Ex Parte No. 646 (Sub-No. 1), *Simplified Standards for Rail Rate Cases* (served Sept 5, 2007). In decisions issued on June 30, 2008, the Board prescribed rate reductions for six of the seven lanes. CSXT has appealed those decisions to the U.S. Court of Appeals for the District of Columbia Circuit.

8. CSXT and DuPont have engaged in further contract negotiations since the Board issued its decisions in STB Docket Nos. NOR 42099, 42100 and 42101, but have not reached an agreement. CSXT has informed DuPont that, absent a contract agreement, the rates published in the DuPont private price lists will expire on November 30, 2008. Although CSXT has offered to extend the rates in the DuPont private price lists beyond November 30, 2008, it will do so only in the form of a signature-less contract or if DuPont agrees not to challenge the rates in the private price lists as common carrier rates. Both options would eliminate the Board's jurisdiction to review the reasonableness of those rates.

9. In response to a DuPont request for the common carrier tariff rates that CSXT will charge DuPont beginning December 1, 2008, CSXT has provided the rates identified in Exhibits A and B. These rates are higher than the rates published in the DuPont private price lists. For many joint line movements in Exhibit B, the CSXT Rule 11 rate factor is equal to or greater than the current through rate.

10. In this Complaint, DuPont challenges the reasonableness of the CSX1 tariff rates identified in Exhibits A and B.

### **Jurisdictional Allegations**

11 CSXT possesses market dominance over the movements in Exhibits A and B. Therefore, pursuant to 49 U.S.C. § 10707, the Board has jurisdiction over the rates and services provided by CSXT and challenged by DuPont as unreasonable.

12. The rates charged by CSXT and challenged by DuPont for each of the movements in Exhibits A and B exceed 180 percent of CSXT's variable cost for the service requested by DuPont, as determined in accordance with 49 U.S.C. § 10707(d)(1).

13. There is a lack of effective competition from other rail carriers for each of the movements in Exhibits A and B because CSXT is the only rail carrier that provides service at either the origin or the destination. There is a lack of effective competition from non-rail modes for each of the movements in Exhibits A and B.

### **Requested Relief**

14. CSXT's common carrier rates for handling the movements in Exhibits A and B are unreasonable and violate 49 U.S.C. §§ 10701(d)(1) and 10702, which require CSXT to establish reasonable rates. The Board should order CSXT to cease these violations and it should prescribe maximum reasonable rates pursuant to 49 U.S.C. § 10704(a)(1).

15. The Board should award reparations to DuPont, as provided under 49 U.S.C. § 11704(b). The reparations should compensate DuPont for any and all amounts paid in excess of the reasonable rates prescribed by the Board pursuant to this proceeding, plus interest.

16. The Board should prescribe a maximum reasonable rate and award reparations for a combined period of ten years, beginning December 1, 2008.

17. This Complaint includes any and all adjustments to the challenged rates, including adjustments to the applicable fuel surcharges, and any new rates established by CSXI for the services described herein

WHEREFORE, Complainant, E.I. du Pont de Nemours and Company prays that the Board:

(1) require Defendant, CSX Transportation, Inc., to answer the charges alleged herein;

(2) assign this Complaint for hearing under 49 C.F.R. Part 1111 and the stand-alone cost approach adopted in *Coal Rate Guidelines—Nationwide*, Ex Parte No. 347 (Sub-No. 1), 1 I.C.C. 2d 520 (1985);

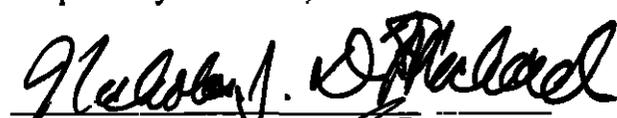
(3) after due hearing and investigation, find that the CSXT's common carrier rates applicable to the transportation of the commodities and movements in Exhibits A and B of this Complaint are unreasonable,

(4) prescribe just and reasonable rates and related rules and service terms for the future applicable to the rail transportation of the DuPont traffic in Exhibits A and B, pursuant to 49 U.S.C. §§ 10704(a)(1) and 11701(a);

(5) award DuPont reparations, plus applicable interest, in accordance with 49 U.S.C. § 11704 for unlawful rates set by CSXT for the period beginning December 1, 2008 to the effective date of a decision by the Board prescribing just and reasonable rates; and

(6) grant such other and further relief to DuPont as the Board may deem just and proper under the circumstances

Respectfully submitted,

  
Nicholas J. DiMichael

Jeffrey O. Moreno

Jennifer M. Gartlan

Eric N. Hoyer

Thompson Hine LLP

1920 N Street, N.W., Suite 800

Washington, D.C. 20036

(202) 331-8800

November 10, 2008

# **EXHIBIT A**

# CSX LOCAL MOVES

	<u>Origin City</u>	<u>O St</u>	<u>Destination City</u>	<u>D St</u>	<u>Route</u>	<u>Product</u>	<u>STCC</u>	<u>CSXT Rate</u> <u>(12/09)</u>	<u>FSC @ \$0.40</u> <u>(Dec. 08)</u>	<u>CSXT Rate</u> <u>Incl FSC</u> <u>(12/08)</u>	<u>RVC Ratio</u>
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	LOUISVILLE	KY	WASHINGTON	WV	CSXT	CHLORODIFLUOROMET	2813981	\$5 810	\$152 80	\$5 982 80	530%
2	NATRIUM	WV	NEW JOHNSONVILLE	TN	CSXT	CHLORINE	2812815	\$9 728	\$285 60	\$10 013 80	563%
3	NEW JOHNSONVILLE	TN	ORLANDO	FL	CSXT	TITANIUM DIOXIDE	2816130	\$6 951	\$343 80	\$7 294 80	341%
4	PASCAGOULA	MS	NIAGARA FALLS	NY	CSXT	OIL ANILINE	2815112	\$9 280	\$506 80	\$9 786 80	308%
5	WURLAND	KY	KINGSPORT	TN	CSXT	ACID SULFURIC	2819315	\$2 930	\$85 20	\$3 025 20	384%
6	NIAGARA FALLS	NY	AMPTHILL	VA	CSXT	SODIUM CAUSTIC	2812220	\$4,551	\$281 20	\$4,832 20	268%
7	PARKERSBURG	WV	AMPTHILL	VA	CSXT	CALCIUM CHLORIDE	2812632	\$3 507	\$202 40	\$3 709 40	263%
8	VANDER	NC	BERMUDA HUNDRED	VA	CSXT	POLYETHYLENE TERE	2821156	\$2,394	\$88 00	\$2 482 00	295%
9	STONY CREEK	VA	WILMINGTON	DE	CSXT	ORE ILMENITE	1092845	\$3 164	\$106 80	\$3 270 80	257%
10	CHICAGO	IL	NEW JOHNSONVILLE	TN	CSXT	SODIUM SILICATE	2819992	\$3,548	\$210 00	\$3 758 00	267%
11	NEW JOHNSONVILLE	TN	CHICAGO	IL	CSXT	TITANIUM DIOXIDE	2816130	\$4 628	\$210 40	\$4 838 40	334%
12	STARKE/LAWTEY	FL	NEW JOHNSONVILLE	TN	CSXT	ORE ILMENITE	1092845	\$4,960	\$296 80	\$5 256 80	223%
13	MIAMI FORT OH GROUP	OH	CARNEYS POINT	NJ	CSXT	ACID FUMING SULFU	2819345	\$4 628	\$319 80	\$4 948 60	229%
14	STARKE/LAWTEY	FL	WILMINGTON	DE	CSXT	ORE ILMENITE	1092845	\$5 145	\$355 60	\$5 500 60	200%
15	WURLAND	KY	NATRIUM	WV	CSXT	ACID SULFURIC	2819315	\$2,254	\$84 00	\$2 338 00	276%
16	MIAMI FORT OH GROUP	OH	LOUISVILLE	KY	CSXT	ACID SULFURIC	2819315	\$3,202	\$48 00	\$3,250 00	488%
17	STARKE/LAWTEY	FL	NEW JOHNSONVILLE	TN	CSXT	ORE ILMENITE	1092845	\$4 612	\$288 80	\$4 908 80	209%

**CSX LOCAL MOVES**

	<u>Origin City</u>	<u>O St</u>	<u>Destination City</u>	<u>D St</u>	<u>Route</u>	<u>Product</u>	<u>STCC</u>	<u>CSXT Rate [12/08]</u>	<u>FSC @ \$0.40 [09c 08]</u>	<u>CSXT Rate Incl FSC [12/08]</u>	<u>RVC Ratio</u>
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
18	STARKE/LAWTEY	FL	WILMINGTON	DE	CSXT	ORE ILMENITE	1092945	\$4 794 08	\$355 60	\$5 149 68	240%
19	PASCAGOULA	MS	NIAGARA FALLS	NY	CSXT	ORTHOTOLUIDINE	2815167	\$9 280	\$506 80	\$9 786 80	332%
20	GONZALEZ	FL	WASHINGTON	WV	CSXT	PLASTIC SYN PWDR	2821163	\$7 685	\$398 40	\$8 081 40	351%
21	NATRIUM	WV	WASHINGTON	WV	CSXT	SODIUM CAUSTIC	2812220	\$2,441	\$28 40	\$2 469 40	437%
22	NIAGARA FALLS	NY	CARNEYS POINT	NJ	CSXT	SODIUM CAUSTIC	2812220	\$4 858	\$222 40	\$4 880 40	309%
23	STARKE/LAWTEY	FL	CHICAGO	IL	CSXT	STAUROLITE RESIDU	1092959	\$7 041	\$443 20	\$7 484 20	237%
24	STARKE/LAWTEY	FL	CHICAGO	IL	CSXT	STAUROLITE RESIDU	1092959	\$7,481	\$443 20	\$7 924 20	251%
25	BELLWOOD	VA	NEUSE	NC	CSXT	ACID SULFURIC	2819315	\$2 481	\$75 60	\$2 556 60	219%
26	WURLAND	KY	NEUSE	NC	CSXT	ACID SULFURIC	2819315	\$4 998	\$256 80	\$5 255 80	284%
27	MIAMI FORT OH GROUP	OH	CEDARTOWN	GA	CSXT	ACID FUMING SULFU	2819345	\$5,092	\$195 20	\$5 287 20	343%
28	WURLAND	KY	MORRISVILLE	PA	CSXT	ACID SULFURIC	2819315	\$4,368	\$251 60	\$4 619 60	234%
29	STARKE/LAWTEY	FL	NORFOLK	VA	CSXT	STAUROLITE RESIDU	1092959	\$4 072	\$267 60	\$4 339 60	194%
30	ST LOUIS	MO	CARNEYS POINT	NJ	CSXT	WASTE HAZARDOUS	4860101	\$5,602	\$447 60	\$6,049 60	220%
31	NEW ORLEANS	LA	OLD HICKORY	TN	CSXT	PROPANEDIOL, BIO-	2818512	\$7 848	\$247 60	\$8 095 60	466%
32	NEUSE	NC	PASCAGOULA	MS	CSXT	ANILINE OIL	2815112	\$9 043	\$326 80	\$9 369 80	454%

# **EXHIBIT B**

**CSX JOINT MOVES**

	<u>Origin City</u>	<u>Q.S.#</u>	<u>Destination City</u>	<u>D.S.#</u>	<u>Route</u>	<u>Product</u>	<u>STCC</u>	<u>CSXT Rate (12/08)</u>	<u>FSC @ \$0.40 (Disc 08)</u>	<u>CSXT Rate Incl FSC (12/08)</u>	<u>RMC Rate</u>
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	WURLAND	KY KANKAKEE	IL CSXT-CHGO-CN	IL	CSXT-CHGO-CN	ACID CHLOROSULTON	2819422	\$8 765	\$172.40	\$8,941.40	823%
2	ST GABRIEL	LA DELISIF	MS CN-NLWOR-CSXT-GULFP-KCS	MS	CN-NLWOR-CSXT-GULFP-KCS	SODIUM CAUSTIC	2812220	\$1 248	\$28.40	\$1 276.40	534%
3	MIAMI FORT OH GROUP	OH MILLSDALE	IL CSXT-CHGO-CN	IL	CSXT-CHGO-CN	SULFUR TRIOXIDE	2819325	\$7 392	\$179.60	\$7 571.60	746%
4	WURLAND	KY PETROLIA	PA CSKT-NEWCA-BPRR	PA	CSKT-NEWCA-BPRR	ACID FUMING SULFU	2819340	\$6 500	\$133.20	\$6 733.20	751%
5	MIAMI FORT OH GROUP	OH WOODSTOCK	TN CSXT-LOUVL-PAL-PADUC-CN	TN	CSXT-LOUVL-PAL-PADUC-CN	ACID FUMING SULFU	2819340	\$4 675	\$48.00	\$4,723.00	938%
6	BATON ROUGE	LA DELISLE	MS KCS-NEWOR-CSXT-GULFP-KCS	MS	KCS-NEWOR-CSXT-GULFP-KCS	COKE PETROLLUM CA	2881315	\$1 058	\$28.40	\$1 086.40	472%
7	MIAMI FORT OH GROUP	OH PETROLIA	PA CSXT-NEWCA-BPRR	PA	CSXT-NEWCA-BPRR	ACID FUMING SULFU	2819340	\$6 512	\$140.00	\$6 652.00	662%
8	NEW JOHNSONVILLE	TN CARROLLTON	TX CSXT-MEMPH-LUP	TX	CSXT-MEMPH-LUP	TITANIUM DIOXIDE	2816130	\$4 861	\$61.20	\$4 922.20	868%
9	NIAGARA FALLS	NY EDGEWOOD	DE CSXT-BUFF-NS	DE	CSXT-BUFF-NS	CHLORINE	2812815	\$3 772	\$10.40	\$3,782.40	1215%
10	NATRIUM	WV DANVILLE	VA CSX1 LYNCH-NS	VA	CSX1 LYNCH-NS	SODIUM CAUSTIC	2812220	\$3 198	\$107.20	\$3 305.20	295%
11	CHAISON	TX VANDLER	NC UP-NEWOR-CSXT	NC	UP-NEWOR-CSXT	ETHYLENE GLYCOL	2818546	\$6 777	\$354.40	\$7 131.40	230%
12	LA PLACE	LA AMPHILL	VA CN-NEWOR-CSXT	VA	CN-NEWOR-CSXT	PARAPHENYLFENEDIAM	2815118	\$9 065	\$434.00	\$9 499.00	438%
13	CHAISON	TX WIRONA	SC UP-NEWOR-CSXT	SC	UP-NEWOR-CSXT	ETHYLENE GLYCOL	2818546	\$5 811	\$350.00	\$6 161.00	195%
14	DOWLING	TX RICEBORO	GA KCS-NEWOR-CSXT SAVAN-RSOR	GA	KCS-NEWOR-CSXT SAVAN-RSOR	ACRYLONITRILL	2819102	\$6 882	\$275.20	\$7 157.20	438%
15	STARK/LAWLEY	FL DELISLE	MS CSXT-GULFP-KCS	MS	CSXT-GULFP-KCS	ORE ILMENITL	1042945	\$3 932.8	\$720.00	\$4 652.80	248%
16	NEW JOHNSONVILLE	TN OAKWOOD	GA CSXT-CHAT-NS	GA	CSXT-CHAT-NS	TITANIUM DIOXIDE	2816130	\$2 769	\$62.40	\$2 831.40	395%
17	STONY CREEK	VA DELISLE	MS CSXT-GULFP-KCS	MS	CSXT-GULFP-KCS	ORE ILMENITL	1092945	\$5 846	\$390.80	\$6 236.80	232%
18	NIAGARA FALLS	NY ELMA	WA CSXT-CHGO-BINSF	WA	CSXT-CHGO-BINSF	SODIUM METALLIC	2819901	\$3 199	\$217.60	\$3 416.60	285%
19	STARK/LAWLEY	FL ALBANY	OR CSXT-MEMPH-BNSF	OR	CSXT-MEMPH-BNSF	SAND ZIRCON	1441325	\$7 194	\$358.00	\$7 552.00	306%
20	STRANG - LA PORTE TX GROUP	TX SPARTANBURG	SC UP-NEWOR-CSXT	SC	UP-NEWOR-CSXT	PLASTIC SYN PWDR	2821163	\$6 090	\$283.60	\$6 373.60	480%

**CSX JOINT MOVES**

	Origin City (1)	O.St (2)	Destination City (3)	D.St (4)	Route (5)	Product (6)	STCC (7)	CSXT Rate (12/08) (8)	FSC @ \$0.40 (Disc.08) (9)	CSXT Rate Incl FSC (12/08) (10)	RXC Rate (11)
21	NEW JOHNSONVILLE	TN SNOBOY		CA CSXT-MEMPH-BNSF	TITANIUM DIOXIDE	2816130	\$4.861	\$61.20	\$4.922.20	669%	
22	WURTLAND	KY IOWA CITY		IA CSXT-CHGO-JMS	ACID CHLOROSULFONIC	2815942	\$10.736	\$172.40	\$10.910.40	1011%	
23	CINCINNATI	OH BURNSIDE		LA CSXT-NEWOR-CN	ACID SULFURIC SPE	2819330	\$6.021	\$366.00	\$6.387.00	333%	
24	CARNEYS POINT	NJ DETROIT		MI CSXT TOLEDCN	AMMONIUM CHLORIDE	28.9125	\$2.742.40	\$292.80	\$3.035.10	184%	
25	MAITLAND	ON LOUISVILLE		KY CN-TOLFD-CSXT	DICHLOROTRIFLUORO	2699951	\$3.265	\$125.60	\$3.400.60	403%	
26	REIFF	WV WINDER		GA NS-CINTI-CSXT	DIMETHYL SULFATE	2818131	\$9.665	\$314.00	\$9.979.00	708%	
27	PASCAGOULA	MS F I MILL		SC CSXT-ATLANS	OIL ANILINE	2815112	\$3.694	\$158.00	\$3.852.00	354%	
28	BLOOMINGTON	TX CHARLOTTE		NC UP-NEWOR-CSXT	POLYETHYLENE	2821142	\$5.226	\$314.40	\$5.542.40	320%	
29	BLOOMINGTON	TX BROWNSVILLE		TN UP-MEMPH-CSXT	POLYETHYLENE	2821142	\$2.866	\$24.40	\$2.923.40	783%	
30	ORANGE	TX ENOREE		SC UP-NEWOR-CSXT	POLYETHYLENE	2821142	\$5.002	\$273.20	\$5.275.20	345%	
31	STARKE/LAWTEY	FL PHOENIX		AZ CSXT-NEWOR-UP	STAUROLITE RESIDU	1092959	\$8.084	\$248.40	\$8.332.40	219%	
32	STARKE/LAWTEY	FL RED DEER		AB CSXT-CHGO-CPRS	STAUROLITE RESIDU	1092959	\$5.247	\$443.20	\$6.690.20	225%	
33	STARKE/LAWTEY	FL DENVER		CO CSXT-BHAM-BNSF	STAUROLITE/ZIRCON	1092959/41325	\$3.891	\$194.00	\$4.085.00	285%	
34	NEW JOHNSONVILLE	TN CHAPMAN		PA CSXT-CINTLANS	TITANIUM DIOXIDE	2816130	\$3.434	\$149.70	\$3.583.20	354%	
35	NEW JOHNSONVILLE	TN TEMPE		AZ CSXT-MEMPH-UP	TITANIUM DIOXIDE	2816130	\$6.582	\$61.20	\$6.643.20	1194%	
36	EDGE MOOR	DL NEW JOHNSONVILLE		TN NS-CINTI-CSXT	TITANIUM DIOXIDE	2816130	\$3.351	\$149.20	\$3.500.20	384%	
37	STARKE/LAWTEY	FL DENVER		CO CSXT-BHAM-BNSF	STAUROLITE/ZIRCON	1092959/41325	\$3.891	\$194.00	\$4.085.00	285%	
38	WURTLAND	KY WOODSTOCK		TN CSXT-LOUML-PAL-PADUC-CN	ACID FUMING SULFU	2815340	\$6.075	\$97.20	\$6.176.20	863%	
39	GREGORY	TX WURTLAND		KY UP-ESTI-CSXT	HYDROGEN CHLORIDE	2813922	\$8.335	\$162.00	\$8.497.00	756%	
40	BLOOMINGTON	TX WASHINGTON		WV UP-SALIM-CSXT	ACID DODECANEDEOI	2818614	\$5.341	\$217.60	\$5.558.60	443%	

**CSX JOINT MOVES**

	<u>Origin City</u>	<u>O.St</u>	<u>Destination City</u>	<u>D.St</u>	<u>Route</u>	<u>Product</u>	<u>STCC</u>	<u>CSXT Rate</u> <u>(12/08)</u>	<u>FSC @ \$0.40</u> <u>(Disc 08)</u>	<u>CSXT Rate</u> <u>Incl FSC</u> <u>(12/08)</u>	<u>RVC Ratio</u>
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
41	STRANG - LA PORTE TX GROUP	TX DUART	TX MIDDLETON	NC	UP-NEWOR-CSXT	PLASTIC SYN PWDR	2821163	\$5 565	\$352.80	\$5 917.80	373%
42	CHASON	TX MIDDLETON	TX MIDDLETON	SC	UP-NEWOR-CSXT	ETHYLENE GLYCOL	2818546	\$5 444	\$323.60	\$5 767.60	217%
43	NEW JOHNSONVILLE	TN FERNLEY	TN FERNLEY	NV	CSXT-ESTL-UP	TITANIUM DIOXIDE	2816130	\$6 918	\$174.00	\$7 092.00	621%
44	DIERSBURG	TN WHITE HORSE	TN WHITE HORSE	SC	CN-EMPHI-CSXT	BARYTES AGGREGAT	3285912	\$3 272	\$306.40	\$3 578.40	212%
45	NIAGARA FALLS	NY WOODSTOCK	NY WOODSTOCK	TN	CSXT-EFHAM-CN	SODIUM CAUSTIC	2812220	\$3 206	\$252.00	\$3 458.00	230%
46	GREGORY	TX LOUISVILLE	TX LOUISVILLE	KY	UP-ESTL-CSXT	TETRAFLUOROETHANE	2813990	\$3 544	\$110.40	\$3 654.40	467%
47	STRANG - LA PORTE TX GROUP	TX WEST SPRINGFIELD	TX WEST SPRINGFIELD	MA	UP-SALIM-CSXT	PLASTIC SYN PWDR	2821163	\$5 664	\$418.80	\$6 082.80	329%
48	CHASON	TX GRANGERS	TX GRANGERS	NC	UP-NEWOR-CSXT	ETHYLENE GLYCOL	2818546	\$6 261	\$415.20	\$6 676.20	202%
49	STRANG - LA PORTE TX GROUP	TX WASHINGTON	TX WASHINGTON	WV	UP-SALIM-CSXT	PLASTIC SYN PWDR	2821103	\$4 314	\$217.60	\$4 531.60	420%
50	CHASON	TX HOPEWELL	TX HOPEWELL	VA	UP-NEWOR-CSXT	ETHYLENE GLYCOL	2818546	\$5 262	\$439.20	\$5 701.20	201%
51	NEW JOHNSONVILLE	TN LONG BEACH	TN LONG BEACH	CA	CSXT-FSTL-UP	TITANIUM DIOXIDE	2816130	\$4 698	\$174.00	\$4 872.00	427%
52	DILLER PARK	TX BUFFALO	TX BUFFALO	NY	UP-ESTL-CSXT	METHYL METHACRYLA	2818112	\$4 393	\$281.20	\$4 674.20	264%
53	WURLAND	KY LOS ANGELES	KY LOS ANGELES	CA	CSXT-FSTL-BNSF	ACID CHLOROSULFON	2819422	\$6 148	\$189.20	\$6 337.20	728%
54	WURLAND	KY MCINTOSH	KY MCINTOSH	AL	CSXT-KNOXV-NS	ACID FUMING SULFU	2819340	\$7 847	\$136.80	\$7 983.80	739%
55	ELIZABETH	NJ BURNSIDE	NJ BURNSIDE	LA	CSXT-NEWOR-CN	ACID SULFURIC SPE	2819330	\$5 716	\$565.60	\$6 281.60	209%
56	BEAUFARNOIS	PQ EDGEMOOR	PQ EDGEMOOR	DE	CSXT-BUFF-NS	CHLORINE	2812815	\$7 659	\$148.00	\$7 807.00	815%
57	BLOOMINGTON	TX LAWRENCE	TX LAWRENCE	MA	UP-SALIM-CSXT-RO11J-SI	POLYETHYLENE	2821142	\$5 167	\$369.20	\$5 536.20	302%
58	BLOOMINGTON	TX DETROIT	TX DETROIT	MI	UP-SALIM-CSXT	POLYETHYLENE	2821142	\$5 391	\$192.80	\$5 583.80	448%
59	OLD HICKORY	TN SUMTER	TN SUMTER	SC	NERR-VINHI-CSXT	POLYETHYLENE TERE	2821156	\$5 238	\$228.80	\$5 466.80	415%
60	NIAGARA FALLS	NY ORANGE	NY ORANGE	TX	CSXT-SALIM-UP	SODIUM METALLIC	2819901	\$5 095	\$270.80	\$5 365.80	371%

**CSX JOINT MOVES**

	(1) Origin City	(2) O.SI	(3) Destination City	(4) D.SI	(5) Route	(6) Product	(7) STCC	(8) CSXT Rate (12/08)	(9) FSC @ \$0.40 (Dec. 08)	(10) Incl FSC (12/08)	(11) RMC Ratio
61	NIAGARA FALLS	NY	STRANG - LA PORTE 1X GROUP	TX	CSXT-SALM-UP	SODIUM METALLIC	2819901	\$5 085	\$270 80	\$5 365 80	371%
62	SOLWAY	NY	LA PORTE	TX	CSXT-ESTL-UP	SODIUM NITRITE	2812341	\$3 898	\$338 80	\$4 336 80	207%
63	NEW JOHNSONVILLE	TN	COSTA MESA	CA	CSXT-ESTL-UP	TITANIUM DIOXIDE	2816130	\$6 918	\$174 00	\$7 092 00	627%
64	HASKELL / BENTON	AR	CARNEYS POINT	NJ	UP-FSTL-CSXT	WASTE FLAMMABLE L	4810560	\$6 606	\$448 80	\$6 051 80	234%
65	NLW JOHNSONVILLE	TN	ROWLEY	UT	CSXT-ESTL-UP	TITANIUM TETRACHLORI	2819871	\$9 203	\$174 00	\$9 377 00	644%
66	CHAISON	TX	CINCINNATI	OH	UP-FSTL-CSXT	ETHYLENE GLYCOL	2818546	\$3,953	\$134 00	\$4 087 00	428%
67	BEAUMONT	TX	CINCINNATI	OH	KCS-MERICCSXT	ETHYLENE GLYCOL	2818546	\$6 719	\$302 80	\$7 021 80	384%

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2008, a copy of the foregoing Complaint was served by overnight courier in accordance with 49 C.F.R. 1111.3 upon the following:

Ellen M. Fitzsimmons  
General Counsel  
**CSX Transportation, Inc.**  
Law Department  
500 Water Street  
Jacksonville, FL 32202

  
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Jeffrey O. Moreno