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November 30, 2009

Via E-Filing

Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
NOV 30 2009
Part of
Public Record

Re: STB Docket NOR 42114, *U.S. Magnesium, LLC v. Union Pacific Railroad Company*

Dear Chief:

Attached for e-filing in the referenced docket pursuant to the request of the Office of Proceedings today is a copy of Complainant's Oral Argument Exhibit submitted by the undersigned during oral argument in this case on November 23, 2009. USM is filing both a Confidential and Public Version of the exhibit. Highly Confidential and Confidential Information is redacted from the Public Version and is denoted with brackets { } in the Highly Confidential Version. Pursuant to the Board's e-filing procedures USM is filing the Highly Confidential version under seal.

Please feel free to contact me with any questions.

Sincerely,
Thomas W. Wilcox
Thomas W. Wilcox

Enclosure

cc: Michael L. Rosenthal, Esq. (counsel for Defendant)

**STB Docket No. 42114,
US Magnesium, LLC v. Union Pacific Railroad Company**

	<u>Impact of Rebilled Movements</u>			
	<u>Union Pacific</u>		<u>USM</u>	
	<u>14 Rebilled Movements ^{1/}</u>	<u>10 Single Line Movements ^{1/}</u>	<u>Eloy ^{2/}</u>	<u>Sahaurita ^{3/}</u>
Avg. Distance (Miles)	1,138	1,339	1,191	1,145
Avg. Revenue/Car ^{4/}	{ }	{ }	{ }	{ }
Avg. VC/Car ^{5/}	{ }	{ }	{ }	{ }
WTD Avg. R/VC	337%	214%	215%	211%
R/VCCOMP	475%	301%	304%	298%
Upper Boundary	502%	327%	311%	302%
<p>{ } = Highly confidential Subject to Protective Order</p>				
<p><u>Source</u></p> <p>1/ UP Workpaper "UP Comparison Group at 300 and 200 Miles - Reply.xls" and USM Workpaper "UP Comp Group Analysis.xls"</p> <p>2/ Hillenbrand Reply Exhibit__(KNH-14)</p> <p>3/ Hillenbrand Reply Exhibit__(KNH-15)</p> <p>4/ Total Exp. Revenue (Col. 14) + Total Exp. Carloads (Col. 12)</p> <p>5/ Total Exp. Var. Cost (Col. 15) + Total Exp. Carloads (Col. 12)</p>				