Quarterly Status Report of Rate Complaint Cases Before the STB - 3RD QUARTER 2022

Docket No:	NOR 42173
Case Name:	Omaha Public Power District v. Union Pacific Railroad Company
Commodities:	Coal

Rate Review Type (SAC, SSAC, 3-Benchmark or Other):	SAC and Revenue Adequacy*
Origin(s):	The interchange between UP and BNSF Railway Co. at BNSF's Gibson Yard in Omaha, Neb.
Destination(s):	OPPD's North Omaha Power Station, Omaha, Neb.

* OPPD's complaint also states: "UP's charge is also excessive and unreasonable under the methodology for determining the reasonableness of reciprocal switch charges proposed by the Board in Docket No. EP 711 (Sub-No. 1) (STB served July 27, 2016)."

Procedural Schedule:	
Date on Which Proceeding Began:	July 22, 2022
Discovery Ends:	*December 19, 2022*
Opening Evidence Due:	*February 17, 2023*
Reply Evidence Due:	*April 18, 2023*
Rebuttal Evidence Due:	*May 23, 2023*
Closing Briefs Due:	*June 22, 2023*

Merits Decision:	*November 17, 2023*

Brief Description of the Final Decision:	
	TBD

OMAHA PUBLIC POWER DISTRICT v. UNION PACIFIC RAILROAD COMPANY, Docket No. NOR 42173

Complete Timeline (Significant Activities Only)

OPPD Notice of Intent to Initiate Case	May 2, 2022
OPPD Complaint	July 22, 2022
UP Motion for Protective Order	August 1, 2022
UP Answer	August 11, 2022
OPPD Reply to Motion for Protective Order	August 22, 2022
OPPD Motion to Compel	September 1, 2022
UP Reply to Motion to Compel	September 12, 2022
STB Decision Denying UP Motion for Protective Order and Ordering Parties to Meet and Confer on OPPD's Motion to Compel	September 15, 2022
OPPD Report on the Results of Parties' Conference to Address OPPD's Motion to Compel	September 19, 2022
UP Motion to Compel	September 23, 2022
Discovery Conference	September 26, 2022

Rail Rate Cases at the STB

(1996 to Present) - Last Reviewed 9/30/2022

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
41191	West Texas v. BNSF	Coal	SAC	5/3/1996	Rates Unreasonable
37809	McCarty Farms v. BN	Grain	SAC	8/20/1997	Rates Reasonable
41185	APS v. ATSF	Coal	SAC	4/17/1998	Rates Unreasonable
41989	Pepco v. CSX	Coal	SAC	6/18/1998	Settlement
42012	Sierra Pacific v. UP	Coal	SAC	7/17/1998	Settlement
41670	Shell Chemical v. NS	Chemical	Simplified	3/12/1999	Settlement
41295	PPL v. Conrail	Coal	SAC	5/13/1999	Settlement
42034	PSI Energy v. Soo	Coal	SAC	5/13/1999	Settlement
42022	FMC v. UP	Minerals	SAC	5/12/2000	Rates Unreasonable
42038	MN Power v. DMIR	Coal	Stipulated R/VC	1/5/2001	Settlement
42051	WPL v. UP	Coal	SAC	5/14/2002	Rates Unreasonable
42054	PPL v. BNSF	Coal	SAC	8/20/2002	Rates Reasonable
42059	Northern States v. UP	Coal	Stipulated R/VC	8/7/2003	Settlement
42077	APS v. BNSF	Coal	SAC	12/31/2003	Withdrawn
42056	TMPA v. BNSF	Coal	SAC	9/27/2004	Rates Unreasonable
42069	Duke v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42070	Duke v. CSXT	Coal	SAC	10/20/2004	Rates Reasonable
42072	Carolina Power v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42057	Xcel v. BNSF	Coal	SAC	12/14/2004	Rates Unreasonable
42058	AEPCO v. BNSF	Coal	SAC	3/15/2005	Rates Reasonable
42093	BP Amoco v. NS	Chemical	Simplified	6/28/2005	Settlement
42071	Otter Tail v.BNSF	Coal	SAC	1/27/2006	Rates Reasonable
42091	APS v. BNSF	Coal	SAC	2/10/2006	Settlement
42097	Albemarle v. LNW	Chemical	SAC	11/14/2006	Settlement
42098	Williams Olefins v. GTC	Chemical	Simplified	2/15/2007	Settlement
42095	KCPL v. UP	Coal	Stipulated R/VC	5/19/2008	Rates Unreasonable
42088	Western Fuels v. BNSF	Coal	SAC	2/18/2009	Rates Unreasonable
42112	E.I. Dupont v. CSX	Chemical	SAC	5/11/2009	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC	5/15/2009	Rates Reasonable
42111	Oklahoma Gas v. UP	Coal	Stipulated R/VC	7/24/2009	Rates Unreasonable
42099	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42100	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42101	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42114	U.S. Magnesium v. UP	Chemical	Three-Benchmark	1/28/2010	Rates Unreasonable
42115	U.S. Magnesium v. UP	Chemical	Simplified SAC	4/2/2010	Settlement
42116	U.S. Magnesium v. UP	Chemical	Simplified SAC	4/2/2010	Settlement
42122	NRG v. CSXT	Coal	SAC	7/8/2010	Settlement
42110	Seminole Electric v. CSXT	Coal	SAC	9/27/2010	Settlement
42113 (S1)	AEPCO v. UP	Coal	SAC	4/15/2011	Settlement
42128	SMEPA v. NS	Coal	SAC	8/31/2011	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC-Remand	10/26/2011	Settlement
42113	AEPCO v. BNSF & UP	Coal	SAC	11/22/2011	Rates Unreasonable
42132	Canexus v. BNSF	Chemical	Three-Benchmark	7/20/2012	Settlement
42127	IPA v. UP	Coal	SAC	11/2/2012	Withdrawn
42123	M&G Polymers v. CSXT	Chemical	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemical	SAC	3/24/2014	Rates Reasonable
42130	SunBelt v. NS	Chemical	SAC	6/20/2014	Rates Reasonable
42136	IPA v. UP	Coal	SAC	10/8/2014	Settlement
42088	Western Fuels v. BNSF	Coal	SAC	6/15/2015	Settlement
42121	TPI v. CSXT	Chemical	SAC	9/14/2016	Rates Reasonable
42142	Consumers v. CSXT	Coal	SAC & Revenue Adequacy	2/7/2019	Settlement

Pending before the STB					
Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
42173	OPPD v. UP	Coal	TBD	TBD	TBD

Notes to Table:

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.

2. Simplified = Using a Simplified, Rather than Full-SAC, Methodology for Determining the Reasonableness
of Rates as Set Forth in Coal Rate Guidelines, Nationwide, 1 I.C.C.2d 520 (1985) (Guidelines).

3. Stipulated R/VC = Parties Agreed to Use Revenue to Variable Cost (R/VC) Ratios @ 180% Level,
in Lieu of Using SAC.

4. Three-Benchmark Methodology = Methodology of Seeking Relief Pursuant to the Revised
Simplified Procedures as Set Forth in Simplified Standards for Rail Rate Cases , STB Ex Parte No.
646 (Sub-No. 1) (STB served Sept. 5, 2007) and any additional Sub-No. decisions.

5. Revenue Adequacy = Revenue Adequacy Constraint, as Described in Guidelines .