Quarterly Status Report of Rate Complaint Cases Before the STB - 4TH QUARTER 2016

Docket No:	NOR 42121	NOR 42142
Case Name:	Total Petrochemicals & Refining USA Inc. v. CSX Transportation, Inc.	Consumers Energy Co. v. CSX Transportation, Inc.
Commodities:	4 Chemical Commodities	Coal

Rate Review Type (SAC, SSAC, 3-Benchmark or Other):	**SAC**	**SAC and Revenue Adequacy**
Origin(s):	4 Origins	Interchange with BNSF in the vicinity of Chicago, IL
Destination(s):	62 Destinations	Campbell Generating Station near West Olive, MI

Procedural Schedule:		
Date on Which Proceeding Began	May 3, 2010	January 13, 2015
***Discovery Completed:**	October 17, 2013	July 1, 2015
Opening Evidence:	February 18, 2014 / October 7, 2015 (supplemental)	November 2, 2015 / *January 23, 2017 (supplemental)*
Reply Evidence:	July 21, 2014 / November 20, 2015 (supplemental)	March 7, 2016 / *March 6, 2017 (supplemental)*
Rebuttal Evidence:	November 5, 2014	May 20,2016 / *April 13, 2017 (supplemental)*
Closing Briefs:	December 14, 2015	June 24, 2016

Italics indicate dates of future events, which are subject to change.

Merits Decision:	September 14, 2016	*January 12, 2018*
Decision Making Technical Corrections	*NA*	*NA*
Petition for Reconsideration or Reopening	October 24, 2016 (CSX)**	*NA*
Replies to Petitions for Reconsideration or Reopening	Not filed	*NA*
Merits Decision on Reconsideration or Reopening	*NA*	*NA*

Italics indicate dates of future events, which are subject to change.

Brief Description of the Final Decision:		
	In the merits decision, the Board found that the rates challenged by the complaining shipper were not shown to be unreasonably high.	*TBD*

**** Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed.***

***** CSX also filed a petition for technical corrections on October 24, 2016. TPI did not respond to either of the petitions filed by CSX.***

TOTAL PETROCHEMICALS & REFINING USA v. CSX TRANSPORTATION, Docket No. NOR 42121

Complete Timeline (Significant Filings and Decisions Only)

TPI Complaint	May 3, 2010
CSXT Answer	May 24, 2010
TPI 1st Amended Complaint	July 26, 2010
CSXT Answer to 1st Amended Complaint	August 16, 2010
CSXT Motion for Expedited Determination of Jurisdiction over Challenged Rates	October 1, 2010
TPI 2nd Amended Complaint	October 4, 2010
Close of First Discovery Period*	October 15, 2010
TPI Motion for Expedited Determination of Jurisdiction over Challenged Rates	October 21, 2010
Joint Submission of Operating Characteristics	November 29, 2010
TPI Appeal of Director Decision Denying TPI's 1st Motion to Compel	November 30, 2010
CSXT Reply to TPI Appeal	December 3, 2010
le Gulf Railway, and South Carolina Central Railroad Answers to 2nd Amended Complaint	December 9, 2010
Pioneer Valley Railroad Answer to 2nd Amended Complaint	December 10, 2010
STB Decision Denying TPI's Appeal of Director Decision Denying First Motion to Compel	December 23, 2010
TPI 3rd Amended Complaint	January 4, 2011
Mohawk, Adirondack & Northern Railroad Corp. Answer to 3rd Amended Complaint	January 14, 2011
R.J. Corman Railroad Answer to Third Amended Complaint	January 24, 2011
TPI 4th Amended Complaint	February 3, 2011
STB Decision Bifurcating Proceeding into Separate Market Dominance and Rate Reasonableness Phases	April 5, 2011
TPI Opening Market Dominance Evidence	May 5, 2011
CSXT Motion to Redesignate	May 17, 2011
TPI Reply to Motion to Redesignate	May 19, 2011
STB Decision Addressing CSXT Motion to Redesignate	July 15, 2011
CSXT Reply Market Dominance Evidence	August 5, 2011
TPI Rebuttal Market Dominance Evidence	September 6, 2011
CSXT Motion to Strike Portions of TPI's Rebuttal Market Dominance Evidence	September 29, 2011
TPI Reply to Motion to Strike	October 17, 2011
STB Decision on Market Dominance	May 31, 2013
CSXT and TPI Petitions for Reconsideration	June 20, 2013
STB Decision Ordering Supplemental Discovery	July 19, 2013
CSXT and TPI Replies to Petitions for Reconsideration	July 24, 2013
Association of American Railroads Petition to Intervene	July 24, 2013
Close of Supplemental Discovery	October 17, 2013
STB Decision Denying Petitions for Reconsideration of Market Dominance Decision	December 19, 2013
CSXT Petition for Judicial Review in the D.C. Circuit	December 26, 2013
CSXT Petition for a Stay	December 26, 2013
TPI Reply to Motion for Stay	December 30, 2013
STB Decision Denying CSXT Request for Stay	January 2, 2014
TPI Opening Rate Reasonableness Evidence	February 18, 2014
CSXT Reply Rate Reasonableness Evidence	July 21, 2014
TPI Rebuttal Rate Reasonableness Evidence	November 5, 2014
TPI Petition to Supplement the Record	November 5, 2014
CSXT Reply to Petition to Supplement the Record	November 25, 2014
D.C. Circuit Decision Denying CSXT Petition for Judicial Review	December 16, 2014
STB Decision Ordering Technical Conference	May 18, 2015
Technical Conference	May 27, 2015
STB Decision Addressing TPI Petition to Supplement and Ordering Supplemental Evidence	July 24, 2015
STB Decision Ordering Compliance Evidence	July 24, 2015
TPI Petition for Reconsideration and Clarification	July 31, 2015
CSXT Reply to TPI Petition	August 12, 2015
STB Decision on Petition for Reconsideration	September 4, 2015
TPI and CSXT Supplemental and Compliance Evidence	October 7, 2015
TPI and CSXT Supplemental and Compliance Reply Evidence	November 20, 2015
TPI Motion to Strike	November 25, 2015
CSXT Reply to Motion to Strike	December 7, 2015
TPI and CSXT Final Briefs	December 14, 2015
STB Decision on the Merits	September 14, 2016
TPI Motion for Extension of Time	September 20, 2016
STB Decision Granting TPI Motion for Extension of Time	September 22, 2016
CSXT Petition for Technical Corrections	October 24, 2016
CSXT Petition for Reconsideration	October 24, 2016
CSXT Letter Addressing No Response to CSXT Petitions	November 21, 2016

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CONSUMERS ENERGY CO. v. CSX TRANSPORTATION, Docket No. NOR 42142

Complete Timeline (Significant Filings and Decisions Only)

Consumers Complaint	January 13, 2015
CSX Answer	February 2, 2015
CSX Motion to Dismiss Revenue Adequacy Claim	March 24, 2015
Consumers Reply to CSX Motion to Dismiss	April 13, 2015
Discovery Conference	April 21, 2015
STB Decision Denying CSX Motion to Dismiss Rev. Adeq. Claim	June 15, 2015
Technical Conference	June 23, 2015
Close of Discovery*	July 1, 2015
STB Decision Adopting Procedures for Formatting of Evidence	July 15, 2015
Discovery Conference	July 20, 2015
Consumers Opening Evidence	November 2, 2015
CSX Reply Evidence	March 7, 2016
CSX Reply	March 7, 2016
CSX Workpapers	March 7, 2016
CSX Errata Sheet	March 8, 2016
CSX Errata Sheet	March 8, 2016
Consumers Petition for Technical Conference	March 14, 2016
STB Decision directing CSX to file Response to Technical Conference	March 16, 2016
CSX Reply to Consumers Technical Conference	March 21, 2016
STB Decision denying request for Technical Confernence	April 6, 2016
CSX Reply and Submission of Workpapers in response to STB Decision	April 8, 2016
Consumers Motion to Modify Procedule Schedule	April 13, 2016
CSX Reply to Consumers Motion to Modify the Procedule Schedule	April 15, 2016
STB Decision Granting in Part Consumers Motion to Modify Procedurale Schedule	April 20, 2016
Consumers Workpapers	May 20, 2016
Consumers Rebuttal	May 20, 2016
Consumers Rebuttal	May 20, 2016
CSX Confidential Errata to Reply Evidence	May 26, 2016
CSX Errata Sheet	May 26, 2016
Consumers Reply to CSX Errata Evidence	May 27, 2016
CSX Letter requesting the Board to accept its Errata Sheet	June 1, 2016
STB Decision Directing Parties to Prepare Closing Briefs	June 3, 2016
Consumers Errata Sheet	June 3, 2016
Consumers Errata Sheet	June 3, 2016
CSX Motion to Strike	June 24, 2016
CSX Motion to Strike	June 24, 2016
CSX Final Brief	June 24, 2016
CSX Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Motion to Remove CSX Motion to Strike	June 27, 2016
Consumers Reply to CSX Motion to Strike	July 14, 2016
Consumers Petition for Leave to Supplement Record	July 14, 2016
CSX Reply to Consumers Petition for Leave to Supplement Record	July 26, 2016
STB Decision Ruling on Consumers Petition for Leave to Supplement Record and CSX Motion to Strike, and Directing Parties to File Supplemental Evidence	December 9, 2016

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Rail Rate Cases at the STB

(1996 to Present) - Last Updated 01/03/2017

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	Chemicals	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemicals	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	Chemicals	SAC	9/14/2016	Rates Reasonable

Pending before the STB

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
42142	Consumers v. CSXT	Coal	SAC	TBD	TBD

Notes to Table:

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.
2. Simplified = Using a Simplified, Rather than 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.