

IN THE UNITED STATE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

RECEIVED

MAY 19 2008

THE NATIONAL INDUSTRIAL  
TRANSPORTATION LEAGUE,  
ET AL.

Petitioners,

v.

SURFACE TRANSPORTATION BOARD

and UNITED STATES OF AMERICA

Respondents.

PUBLIC SERVICE COMMISSION

Case No. \_\_\_\_\_

PETITION FOR REVIEW

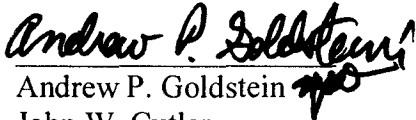
Pursuant to 28 U.S.C. §§ 2321(a), 2344, 2342(5), Rule 15(a) of the Federal Rules of Appellate Procedure and other applicable authority, the National Industrial Transportation League, the National Grain and Feed Association, the American Chemistry Council, the Fertilizer Institute, the Colorado Wheat Administrative Committee, the Colorado Wheat Growers Association, Consumers United for Rail Equity, the Idaho Barley Commission, the Idaho Grain Producers Association, the Idaho Wheat Commission, the Montana Grain Growers Association, the Montana Wheat and Barley Committee, the National Association of Wheat Growers, the National Barley Growers Association, the Nebraska Wheat Board, the Nebraska Wheat Growers Association, the North Dakota Grain Dealers Association, the North Dakota Public Service Commission, the North Dakota Wheat Commission, the Oklahoma Wheat Commission, the South Dakota Wheat Commission, South Dakota Wheat Inc., the Texas Wheat Producers Board, the Texas Wheat Producers Association, the Alliance for Rail Competition, the Washington Wheat Commission, and the Honorable Brian Schweitzer, Governor, State of Montana hereby

petition the Court for a review of a Decision of the Surface Transportation Board ("STB") served on September 5, 2007, in Ex Parte 646 (Sub-No. 1), *Simplified Standards for Rail Rate Cases*, and the STB's subsequent Decision issued March 17, 2008, denying Petitioners request for reconsideration of the September 5, 2007 Decision. A copy of both Decisions are attached to this petition.

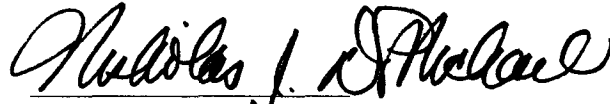
In its Decision September 5, 2007, the STB adopted certain changes to existing standards for determining the reasonableness of rail transportation rates. In its March 18, 2008 Decision, the STB denied reconsideration of its September 5, 2007, Decision. Petitioners were parties to both proceedings that led to these STB Decisions and are aggrieved within the meaning of 28 U.S.C. § 2344. Petitioners seek relief on the grounds that certain aspects of the Decisions are contrary to law, clearly erroneous, arbitrary and capricious, and an abuse of discretion, and not supported by substantial evidence.

Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

Respectfully submitted,



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*National Grain and Feed Association*  
*American Chemistry Council*  
*The Fertilizer Institute*  
*The Alliance for Rail Competition*  
*Colorado Wheat Administrative Committee*  
*Colorado Wheat Growers Association*  
*Consumers United for Rail Equity*  
*Idaho Barley Commission*  
*Idaho Grain Producers Association*  
*Idaho Wheat Commission*  
*Montana Grain Growers Association*  
*Montana Wheat & Barley Committee*  
*National Association of Wheat Growers*  
*National Barley Growers Association*  
*Nebraska Wheat Board*  
*Nebraska Wheat Growers Association*  
*North Dakota Grain Dealers Association*  
*North Dakota Public Service Commission*  
*North Dakota Wheat Commission*  
*Oklahoma Wheat Commission*  
*South Dakota Wheat Commission*  
*South Dakota Wheat Inc.*  
*Texas Wheat Producers Board*  
*Texas Wheat Producers Association*  
*Washington Wheat Commission*  
*The Honorable Brian Schweitzer,*  
*Governor, State of Montana*

IN THE UNITED STATE COURT OF APPEALS  
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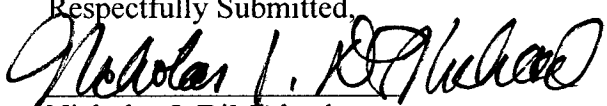
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and UNITED STATES OF AMERICA	)	
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Respondents.	)	

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**THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, The National Industrial Transportation League ("NITL") discloses that it is a not-for-profit trade association that represents parties interested in freight transportation. NITL seeks review of decisions by the Surface Transportation Board for determining the reasonableness of rail rates.

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May 16, 2008







IN THE UNITED STATE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

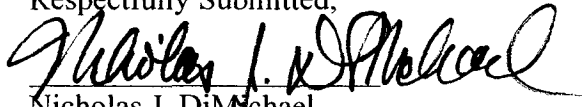
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**CONSUMERS UNITED FOR RAIL EQUITY'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, Consumers United for Rail Equity ("CURE") discloses that it is a trade association that represents freight rail consumers. CURE seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

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**IN THE UNITED STATE COURT OF APPEALS  
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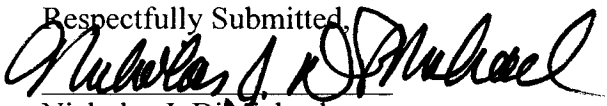
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**TEXAS WHEAT PRODUCERS ASSOCIATION'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Texas Wheat Producers Association discloses that it is a trade association that represents Texas wheat producers in state and federal government legislation. The Texas Wheat Producers Association seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

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May 16, 2008



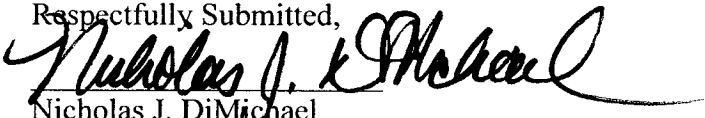


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**SOUTH DAKOTA WHEAT INC.'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, South Dakota Wheat Inc. discloses that it is an agricultural trade association that represents the interests of wheat producers on issues such as research, environmental and conservation issues, crop insurance, and transportation. South Dakota Wheat Inc. seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

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**IN THE UNITED STATE COURT OF APPEALS  
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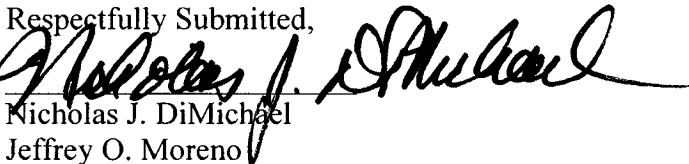
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**OKLAHOMA WHEAT COMMISSION'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Oklahoma Wheat Commission discloses that it is a state created trade association that promotes the interest of Hard Red Winter wheat. The Oklahoma Wheat Commission seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

Respectfully Submitted,  
  
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May 16, 2008

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**IN THE UNITED STATE COURT OF APPEALS  
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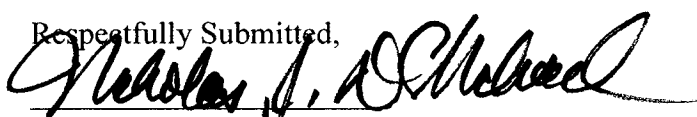
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**THE ALLIANCE FOR RAIL COMPETITION'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Alliance for Rail Competition discloses that it is a trade association that represents railroad shippers in the agricultural, coal, consumer and industrial products, chemical, minerals, and petrochemical industries. The Alliance for Rail Competition seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

Respectfully Submitted,  
  
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May 16, 2008



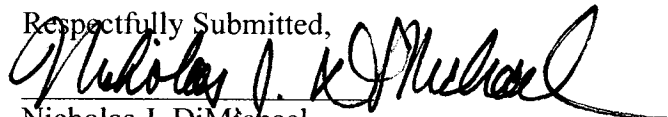


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**COLORADO WHEAT GROWERS ASSOCIATION'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Colorado Wheat Growers Association discloses that it is a trade association that represents members in legislative matters on the state and national levels. The Colorado Wheat Growers Association seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

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May 16, 2008

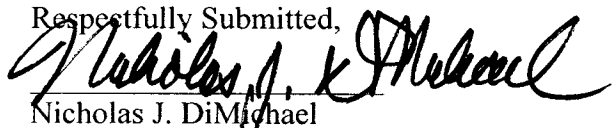


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**MONTANA WHEAT AND BARLEY COMMITTEE'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Montana Wheat and Barley Committee discloses that it is a state funded check off program for barley growers in Montana. It promotes research, marketing, and end- use to aid in the market development of wheat and barley grown in Montana. The Montana Wheat and Barley Committee seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

Respectfully Submitted,  
  
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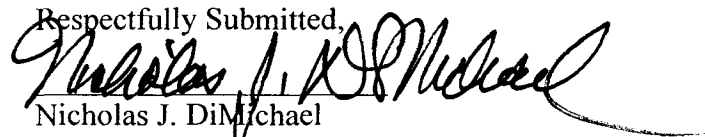
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**NATIONAL BARLEY GROWERS ASSOCIATION'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the National Barley Growers Association discloses that it is a trade association that promotes the interest of U.S. barley growers both nationally and internationally. The National Barley Growers Association seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

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Growers Association*

May 16, 2008



IN THE UNITED STATE COURT OF APPEALS  
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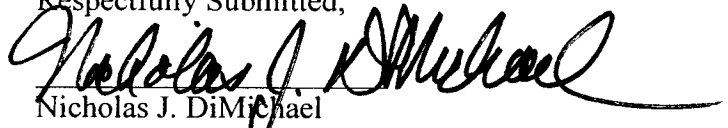
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**NORTH DAKOTA GRAIN DEALERS ASSOCIATION'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, The North Dakota Grain Dealers Association discloses that it is a trade association that represents and promotes the interests of grain dealers. The North Dakota Grain Dealers Association seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

Respectfully Submitted,



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May 16, 2008



**IN THE UNITED STATE COURT OF APPEALS  
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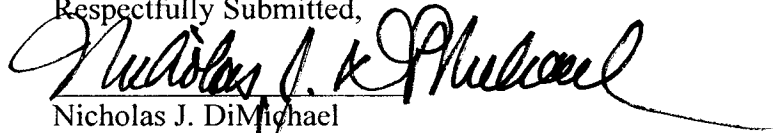
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**NORTH DAKOTA WHEAT COMMISSION'S  
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the North Dakota Wheat Commission discloses that it is a quasi state organization that utilizes check off funding to develop policies and programs that promote worldwide wheat markets and influence import and export policies. The North Dakota Wheat Commission seeks review of decisions by the Surface Transportation Board in which the agency adopted certain changes to existing standards for determining the reasonableness of rail transportation rates.

Respectfully Submitted,



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May 16, 2008

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## CERTIFICATE OF SERVICE

I, Nicholas J. DiMichael, hereby certify that on this 16th day of May 2008, I caused copies of the foregoing Petition for Review and Disclosure Statements to be served by hand delivery on the following:

Ellen D. Hanson, Esq.  
General Counsel  
Surface Transportation Board  
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Washington, D.C. 20423

Honorable Peter Keisler  
Acting Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-001

I further certify that I have caused copies of the above- referenced documents to be served this day by U.S. first-class mail, postage prepaid on all parties listed on the official service list in the administrative proceeding below as follows:

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