

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

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PUBLIC SERVICE COMMISSION

THE NATIONAL INDUSTRIAL
TRANSPORTATION LEAGUE,
ET AL.

Petitioners,

v.

SURFACE TRANSPORTATION BOARD

and UNITED STATES OF AMERICA

Respondents.

Case No. _____

PETITION FOR REVIEW

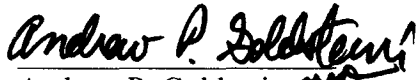
Pursuant to 28 U.S.C. §§ 2321(a), 2344, 2342(5), Rule 15(a) of the Federal Rules of Appellate Procedure and other applicable authority, the National Industrial Transportation League, the National Grain and Feed Association, the American Chemistry Council, the Fertilizer Institute, the Colorado Wheat 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.

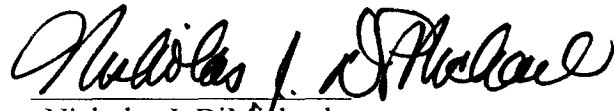
In its Decision September 5, 2007, the STB adopted certain changes to existing standards for determining the reasonableness of rail transportation rates. In its March 18, 2008 Decision, the STB denied reconsideration of its September 5, 2007, Decision. Petitioners were parties to both proceedings that 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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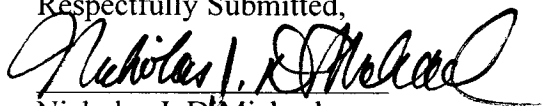
Attorneys for
The National Industrial Transportation League
National Grain and Feed Association
American Chemistry Council
The Fertilizer Institute
The Alliance for Rail Competition
Colorado Wheat Administrative Committee
Colorado Wheat Growers Association
Consumers United for Rail Equity
Idaho Barley 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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THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, ET AL.)	
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Petitioners,)	Case No. _____
v.)	
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SURFACE TRANSPORTATION BOARD)	
)	
and UNITED STATES OF AMERICA)	
)	
Respondents.)	

**NATIONAL GRAIN AND FEED ASSOCIATION'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, The National Grain and Feed Association discloses that it is a not-for-profit trade association that represents and provides service for grain, feed, and grain-related commercial businesses. The National Grain and Feed 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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*Attorneys for National Grain and
Feed Association*


May 16, 2008

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

THE NATIONAL INDUSTRIAL)
TRANSPORTATION LEAGUE,)
ET AL.)
)
Petitioners,) Case No. _____
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SURFACE TRANSPORTATION BOARD)
and UNITED STATES OF AMERICA)
)
Respondents.)

AMERICAN CHEMISTRY COUNCIL'S
DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, The American Chemistry Council discloses that it is a trade association that represents North American companies engaged in the chemistry industry . The American Chemistry Council 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

Attorneys for The American Chemistry Council

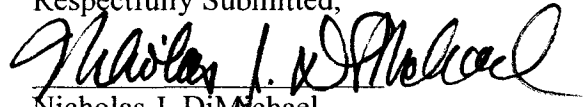
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Petitioners,)	Case No. _____
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SURFACE TRANSPORTATION BOARD)	
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and UNITED STATES OF AMERICA)	
)	
Respondents.)	

**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.

Respectfully Submitted,



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May 16, 2008

**IN THE UNITED STATE COURT OF APPEALS
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TRANSPORTATION LEAGUE,)	
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and UNITED STATES OF AMERICA)	
)	
Respondents.)	

**IDAHO GRAIN PRODUCERS ASSOCIATION'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Idaho Grain Producers Association discloses that it is a trade association that represents the interests of Idaho grain producers at the local, state, and federal levels. The Idaho Grain 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.

Respectfully Submitted,

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May 16, 2008

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

THE NATIONAL INDUSTRIAL)
TRANSPORTATION LEAGUE,)
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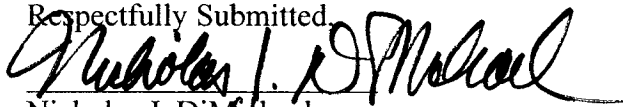
Respondents.)

Case No. _____

**NATIONAL ASSOCIATION OF WHEAT GROWER'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the National Association of Wheat Growers discloses that it is a trade association that represents the interests of the wheat industry in creating beneficial policies for wheat growers, effective relationships within the industries, and profitable opportunities through research and technology. The National Association of Wheat Growers 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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*Attorneys for National Association of
Wheat Growers*

May 16, 2008

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

THE NATIONAL INDUSTRIAL)
TRANSPORTATION LEAGUE,)
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and UNITED STATES OF AMERICA)

Respondents.)

Case No. _____

**WASHINGTON WHEAT COMMISSION'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Washington Wheat Commission discloses that it is a state agency created by wheat producers to promote research, development, and education in the wheat industry. The Washington 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

Attorneys for Washington Wheat Commission

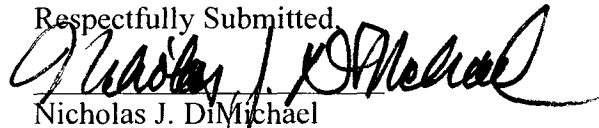
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**MONTANA GRAIN GROWERS ASSOCIATION'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Montana Grain Growers Association discloses that it Montana Grain Growers Association is a trade association that promotes the interests of wheat and barley growers.. The Montana Grain 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.

Respectfully Submitted,



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*Attorneys for Montana Grain
Growers Association*

May 16, 2008

IN THE UNITED STATE COURT OF APPEALS
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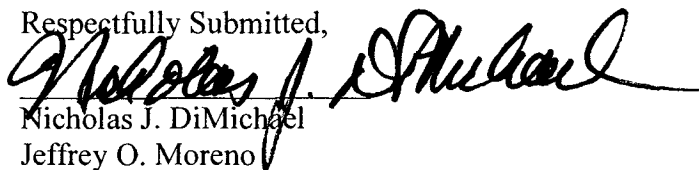
Respondents.)

Case No. _____

**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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Attorneys for Oklahoma Wheat Commission


May 16, 2008

**IN THE UNITED STATE COURT OF APPEALS
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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

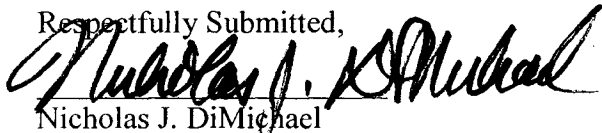
Attorneys for Alliance for Rail Competition

IN THE UNITED STATE COURT OF APPEALS
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TRANSPORTATION LEAGUE,)
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**IDAHO WHEAT COMMISSION'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Idaho Wheat Commission for discloses that it is a quasi-state agency that promotes wheat market development, research, and education for the wheat industry. The Idaho 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

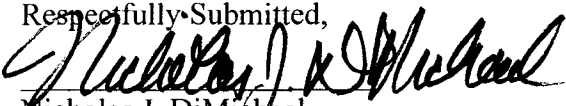
Attorneys for Idaho Wheat Commission

IN THE UNITED STATE COURT OF APPEALS
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**IDAHO BARLEY COMMISSION'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Idaho Barley Commission for discloses that it is a self governing state agency that serves to enhance the profitability of barley growers through research, market development, promotion, information, and education. The Idaho Barley 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

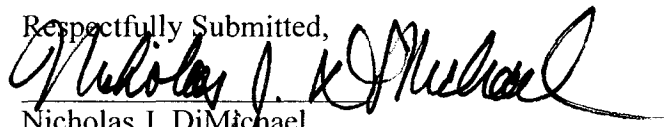
Attorneys for Idaho Barley Commission

IN THE UNITED STATE COURT OF APPEALS
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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.

Respectfully Submitted,

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*Attorneys for Colorado Wheat
Growers Association*

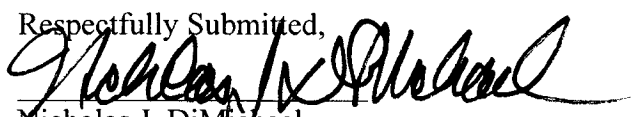
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**COLORADO WHEAT ADMINISTRATIVE COMMITTEE'S
DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Colorado Wheat Administrative Committee discloses that it is a state created Board that controls funding for education, research, and domestic and export promotion programs. The Colorado Wheat Administrative 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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*Attorneys for Colorado Wheat
Administrative Committee*

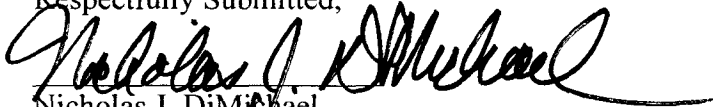
May 16, 2008

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and UNITED STATES OF AMERICA)	
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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

*Attorneys for North Dakota Grain
Dealers Association*

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

THE NATIONAL INDUSTRIAL
TRANSPORTATION LEAGUE,
ET AL.

Petitioners,

v.

SURFACE TRANSPORTATION BOARD

and UNITED STATES OF AMERICA

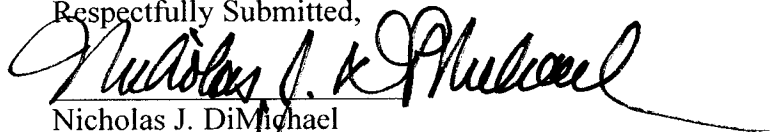
Respondents.

Case No. _____

**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,



Nicholas J. DiMichael

Jeffrey O. Moreno

Thompson Hine LLP

1920 N Street, NW

Suite 800

Washington, DC 20036

May 16, 2008

Attorneys for North Dakota Wheat Commission

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
395 E Street, S.W.
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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