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SURFACE TRANSPORTATION BOARD

**PUBLIC SERVICE COMMISSION**

DECISION

STB Ex Parte No. 677

COMMON CARRIER OBLIGATION OF RAILROADS

Decided: April 15, 2008

The Board will hold a 2-day public hearing to examine issues related to the common carrier obligation of railroads on Thursday, April 24, 2008, and Friday, April 25, 2008, in the 1st floor hearing room at the Board's headquarters at 395 E Street, S.W., Washington, D.C. The hearing will begin at 9:00 a.m. on both days.

The Board announced the hearing by notice served on February 22, 2008, and established due dates for persons wishing to speak at the hearing to advise the Board of their intent to participate and request a time allotment, and for submission of written testimony. Based on those submissions, the Board issued a decision setting the schedule of speakers and providing instructions for attendance at the hearing on April 3, 2008. This decision sets a revised schedule of appearances.

The revised schedule of appearances and the time provided for each party appear in the Appendix to this decision. As stated in the Board's previous decisions, each speaker should file with the Board his or her written testimony by April 17, 2008. Written submissions by interested persons not appearing at the hearing are also due by April 17, 2008. Because the Board will have read the written submissions in advance of the hearing, witnesses should not read their written submissions at the hearing, but instead should summarize their key points.

If a party wishes to enhance its presentation by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the hearing room's projection system on April 23, 2008, from 2 p.m. to 4 p.m. Please call (202) 245-0245, to make arrangements.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Time for the hearing is allotted as reflected in the Appendix to this decision.

2. This decision is effective on the date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary

**APPENDIX**  
**SCHEDULE OF APPEARANCES**

**April 24, 2008**

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I: Members of Congress and Guests</b>	
The Honorable Ron Wyden U.S. Senate	20 minutes
The Honorable Gordon Smith U.S. Senate	20 minutes
The Honorable Peter A. DeFazio U.S. House of Representatives	20 minutes
Coos-Siskiyou Shippers Coalition Allyn C. Ford	10 minutes
<b>Panel II: Freight Railroads</b>	
BNSF Railway Company Richard E. Weicher	10 minutes
Union Pacific Railroad Company J. Michael Hemmer	10 minutes
Kansas City Southern Railway Company David C. Reeves	10 minutes
<b>Panel III: State Government Interests</b>	
Washington State Department of Transportation Scott L. Witt	15 minutes
National Association of State Departments of Agriculture Roger Johnson	15 minutes

North Dakota Public Service Commission  
William W. Binek 15 minutes

**Panel IV-A: State Governments, Grain Shippers and Agricultural Interests**

State of Montana 10 minutes  
The Honorable Mike McGrath or the Honorable Jim Lynch

Idaho Wheat Commission, et al. 10 minutes  
Terry C. Whiteside

National Grain and Feed Association 15 minutes  
Kendell W. Keith or Dan Mack

North Dakota Grain Dealers Association 10 minutes  
Steven D. Strege

Ag Processing Inc. 10 minutes  
Terry J. Voss

Frank Bros. Feed & Grain Co. 10 minutes  
John M. Frank

**Panel IV-B: Chemical Shipper Associations**

American Chemistry Council 15 minutes  
Jack N. Gerard

The Chlorine Institute, Inc. 10 minutes  
Arthur Dungan and Paul Donovan

The Fertilizer Institute 10 minutes  
Bob Felgenhauer

**Panel IV-C: Chemical Shippers**

Dow Chemical Company 10 minutes  
Cindy Elliott

Calabrian Corporation 10 minutes  
Charles E. Cogliandro

DuPont Company  
Gary W. Spitzer

10 minutes

**Panel IV-D: Chemical Shippers**

US Magnesium LLC  
Howard I. Kaplan

10 minutes

Total Petrochemicals USA, Inc.  
Bernard Claude

10 minutes

Occidental Chemical Corporation  
Robin A. Burns

10 minutes

Olin Chlor-Alkali Products  
John McIntosh

10 minutes

**Panel IV-E: Associations**

The National Industrial Transportation League  
Doug Kratzberg and Nicholas DiMichael

10 minutes

**April 25, 2008**

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I: Freight Railroads</b>	
CSX Transportation, Inc. John M. Gibson	10 minutes
Norfolk Southern Corporation James A. Hixon	10 minutes
Association of American Railroads Edward R. Hamberger and Lou Warchot	15 minutes
<b>Panel II: Short Line and Regional Railroads</b>	
American Short Line and Regional Railroad Association Richard F. Timmons and Keith T. Borman	10 minutes
RailAmerica, Inc. Paul Lundberg	10 minutes
Chicago SouthShore & South Bend Railroad Co. Henry B. Lampe	10 minutes
CNJ Rail Corporation Eric S. Strohmeier	10 minutes
<b>Panel III: Coal Shippers and Utilities</b>	
Arkansas Electric Cooperative Corporation Steve Sharp	10 minutes
Concerned Captive Coal Shippers C. Michael Loftus and Andrew B. Kolesar III	10 minutes

Edison Electric Institute  
TBD and Michael F. McBride 15 minutes

Western Coal Traffic League  
Peter A. Pfohl 5 minutes

**Panel IV: Labor**

United Transportation Union-General Committee of Adjustment  
TBD 5 minutes

**Panel V: Other Interests**

Clean Earth of North Jersey, Inc.  
Robert P. Fixter 10 minutes

Slaughter Company  
Benjamin B. Slaughter 10 minutes

Highroad Consulting, Ltd.  
Sandra Dearden 10 minutes

Evrax Claymont Steel  
Daniel R. Kloss 10 minutes

Raymond Tylicki 10 minutes