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|                                            |   |                                |
|--------------------------------------------|---|--------------------------------|
| <b>NORTH AMERICA FREIGHT CAR</b>           | ) |                                |
| <b>ASSOCIATION; AMERICAN FUEL &amp;</b>    | ) |                                |
| <b>PETROCHEMICAL MANUFACTURERS;</b>        | ) |                                |
| <b>THE CHLORINE INSTITUTE; THE</b>         | ) |                                |
| <b>FERTILIZER INSTITUTE; AMERICAN</b>      | ) |                                |
| <b>CHEMISTRY COUNCIL; ETHANOL</b>          | ) |                                |
| <b>PRODUCTS, LLC D/B/A POET ETHANOL</b>    | ) | <b>NOR 42144, 42150, 42152</b> |
| <b>PRODUCTS; POET NUTRITION, INC.; and</b> | ) |                                |
| <b>CARGILL INCORPORATED</b>                | ) |                                |
|                                            | ) |                                |
| <b>vs.</b>                                 | ) |                                |
|                                            | ) |                                |
| <b>UNION PACIFIC RAILROAD</b>              | ) |                                |
| <b>COMPANY</b>                             | ) |                                |

Complainants Valero Marketing and Supply Company and Valero Rail Partners, LLC, Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC (collectively, “Complainants”), and Defendant Union Pacific Railroad Company (“Union Pacific”) submit this status report on discovery progress as requested by Administrative Law Judge Dring at a status conference on April 19, 2017.

1. Valero Marketing and Supply Company and Valero Rail Partners, LLC proposed to Union Pacific a compromise position on pending discovery issues. The parties conferred on this proposal via telephone on Monday, July 10, 2017. The Valero entities are reviewing revised stipulations from Union Pacific.

2. Union Pacific has relayed questions on past productions by the Valero entities.

The Valero entities responded to these questions on August 15, 2017. Union Pacific relayed an

additional question on the same day. The Valero entities responded to this additional question on August 18, 2017.

3. Tesoro Refining & Marketing Company LLC, Tesoro Great Plains Gathering & Marketing LLC, and Dakota Prairie Refining, LLC proposed to Union Pacific a compromise position on pending discovery issues. Union Pacific provided proposed stipulations in response to these proposals on August 22, 2017. The Tesoro entities are reviewing these stipulations.

4. The Tesoro and Valero entities are continuing to review documents to make additional productions to Union Pacific. Given the large volume of documents being reviewed, the Tesoro and Valero entities do not anticipate making additional productions this week.

Respectfully submitted,

/s/ Michael L. Rosenthal (with permission  
– JHS)

Michael L. Rosenthal  
Kavita Pillai  
Covington & Burling LLP  
One CityCenter  
850 Tenth Street, N.W.  
Washington, D.C. 20001

Rhonda S. Ferguson  
Louise A. Rinn  
Craig V. Richardson  
Danielle E. Bode  
Union Pacific Railroad Company  
1400 Douglas Street  
Omaha, NE 68179

*Attorneys for Union Pacific Railroad  
Company*

Dated August 24, 2017

/s/ Justin A. Savage

Justin A. Savage  
Peter Whitfield  
Houston Shaner  
Hogan Lovells US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004

*Attorneys for Valero Marketing and  
Supply Company, Valero Rail Partners,  
LLC, Tesoro Refining & Marketing  
Company LLC, Tesoro Great Plains  
Gathering & Marketing LLC, and Dakota  
Prairie Refining, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 24, 2017, I have caused a copy of the foregoing to be served by hand, email, or first-class mail on counsel for the parties of record for NOR 42144, NOR 42150, and NOR 42152. I further certify that I have caused a copy of the foregoing to be served by hand delivery on the Honorable John P. Dring, Federal Energy Regulatory Commission, Office of Administrative Law Judges, 888 First Street, N.E., Washington, DC 20426.

/s/ Houston Shaner  
Houston Shaner