



Surface Transportation Board
Washington, D.C. 20423-0001

Office of the General Counsel

202-245-0260
244972 FAX 202-245-0460

ENTERED
Office of Proceedings
January 12, 2018
Part of
Public Record

Meeting under Section 5, STB Reauthorization Act

June 8, 2017

Present: Acting Chairman Begeman
Vice Chairman Elliott
Board Member Miller
Member Staffs James Boles, Amanda Gorski, Chris Diamond,
and Brian O'Boyle. Agency Staff Craig Keats, Rachel Campbell, Valerie
Quinn, Anika Cooper, Kim Hillenbrand, Sarah Fancher, Andrew Read,
Elizabeth McGrath, Rob Plum

Topic: NOR 42142, Consumers Energy v. CSXT

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting staff briefed Board Members on certain issues in the pending
"Consumers v. CSXT" rate case. In that proceeding, Consumers argues that CSXT's
rates for shipping Consumers' coal are unreasonably high. Staff briefed the Members on
the following matters:

- Whether Consumers' traffic group properly forecasts how much traffic would grow, and how to distribute growth traffic during the peak year.
 - o CSXT: Consumers' model not properly reflect lengths of trains, or traffic patterns;
 - o Consumers: by using base year average statistics as a surrogate for peak period growth trains, CSXT itself fails to reflect daily and seasonal volume fluctuations.
 - o Discussion about RTC model, growth traffic distribution.
- Whether Consumers' traffic group properly reflects foreign railroad crossing delays, particularly at Chicago.
 - o CSXT: Consumers should have used the Train Sheet data provided by CSXT in discovery; that it dropped several delay incidents in the "Enroute Train Delays" document; and that it obscured the impact of delays on network fluidity;

- o Consumers: its presentation reasonably reflected the delay information it received from CSXT, and CSXT's own claims lack support.