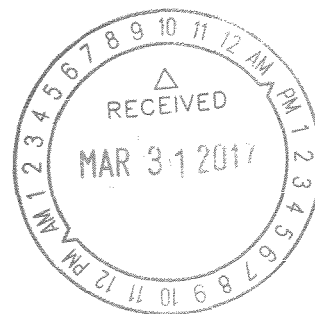




Department of Energy

Washington, DC 20585



March 31, 2017

242883

242884

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, D.C. 20420-0001

ENTERED
Office of Proceedings
March 31, 2017
Part of
Public Record

RE: Docket Nos. 38302S and 38376S

Dear Ms. Brown:

The August 19, 2013, decision in these dockets (served August 26, 2013, and effective on September 25, 2013), approved the Government's settlement agreement with BNSF Railway Company ("BNSF"), and held that these proceedings would continue to be held in abeyance, with the Government filing quarterly reports on the progress of settlement negotiations. That order followed a prior order in these proceedings entered July 27, 2005 (served August 2, 2005, and effective September 1, 2005), approving the Government's settlement agreement with Union Pacific Railroad Company.

This report updates our most recent report of December 21, 2016, which indicated that on October 20, 2016, Norfolk Southern Railway Company and the Government parties submitted to the Board a joint motion seeking approval of their executed settlement agreement and a prescription of rate methodology. In a Notice released on February 1, 2017, the Board adopted a procedural schedule for filing comments and replies addressing the proposed agreement. Under that schedule, comments were due by March 20, 2017, and reply comments were to be due by April 19, 2017. So far as we are aware, no comments were submitted in response to the Board's directive.

A further report is due by the end of June 2017.

Sincerely,

Stephen C. Skubel
Assistant General Counsel
For Litigation
(202) 586-5579

cc: Attached Service List



CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2017, copies of the foregoing document were served by prepaid first-class mail on counsel for the major carrier parties of record and counsel for other parties participating in related proceedings by mailing copies to the following:

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