

(2) By its decision served on May 29, 2020, the Board directed the parties to inform the Board whether they agree to participate in Board-sponsored mediation, and if so, wished to hold the proceeding in abeyance pending the conclusion of mediation. Both parties agreed to Board-sponsored mediation and holding this proceeding in

abeyance. In a decision served on June 9, 2020, the Board initiated mediation and held the proceeding in abeyance pending the conclusion of mediation.

(3) Since June 9, 2020, the Parties have been engaged in settlement discussions through Board-sponsored mediation that has led to the development and execution of a confidential settlement agreement.

(4) As a result of the Parties' entering into the settlement agreement, the Parties have agreed to settle and compromise all claims and controversies arising out of TCM's Complaint, and the Parties no longer desire the Board to hold further proceedings in this docket. The Parties have informed the mediators that an agreement has been reached.

(5) In light of these developments, the Parties jointly request that the Board: (i) dismiss TCM's complaint with prejudice, with each party to bear its own costs; and (ii) discontinue this proceeding.

(6) Granting this Joint Petition to Dismiss "is consistent with the Board's longstanding policy of encouraging the private resolution of disputes through voluntary negotiations whenever possible." *CF Indus. Inc. v. Kaneb Pipe Line Partners, L.P.*, NOR 42084 (STB served Nov. 21, 2006), at 2; *see also Consol. Rail Corp. – Declaratory Order Proceeding*, FD 34319 (STB served Feb. 4, 2004) (granting joint request by parties to dismiss proceeding with prejudice after settlement was reached).

(7) The Parties have proceeded in good faith in the instant matter, this request furthers the interests of administrative economy and efficiency, and no other railroad or shipper will be prejudiced or inconvenienced by this request.

WHEREFORE, for the reasons set forth above, TCM and KET jointly request that the Board dismiss, in its entirety, this proceeding with prejudice, with each party to bear its own costs.

Respectfully submitted,

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Dated: September 11, 2020

CERTIFICATE OF SERVICE

In accordance with 49 C.F.R. § 1104.12, I hereby certify that on September 11, 2020, I served a copy of this Joint Petition to Dismiss by email or other means on all parties of record in this proceeding:

/s/Daniel R. Elliott