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By Electronic Filing

June 22, 2022 304820

The Honorable Cynthia T. Brown,
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
June 22, 2022
Part of
Public Record

Re: FD 36609, Foster Poultry Farms - *Ex Parte* Application For Emergency Service Order

Dear Ms. Brown:

On behalf of Union Pacific Railroad Company, I am submitting this letter to address two issues raised by Foster Farms' Response filed in the referenced docket earlier today.

First, Union Pacific does not object to Foster Farms' request that the Board "retain jurisdiction over this matter for at least the 30 days permitted by 49 U.S.C. § 11123, and that UP should provide written notice to Foster Farms and the STB of any deviations to the schedule it provides Foster Farms, along with an explanation of why UP is not able to meet the stated schedule." Foster Farms Response at 4.

Second, Union Pacific understands that Foster Farms has submitted a correction to its Response regarding Union Pacific's delivery of loaded trains to Foster Farms over this past weekend. In Union Pacific's Reply filed June 16, Union Pacific said that empty trains FR 11 and FR 12 were scheduled to be delivered over the weekend *to their destinations for loading*, not that the loaded trains were scheduled to be delivered to Foster Farms. *See* Union Pacific Reply, Verified Statement of Bradley S. Moore at 1. In other words, Union Pacific never represented that it would deliver three loaded trains to Foster Farms over this past weekend. Union Pacific provided updated information regarding the status of trains FR 11 and FR 12 in today's status report. Union Pacific appreciates Foster Farms' willingness to correct the record.

Sincerely,



Michael L. Rosenthal
Counsel for Union Pacific
Railroad Company

cc: Thomas W. Wilcox (counsel for Foster Farms)