

EXPEDITED CONSIDERATION REQUESTED
BY 5:00 EST ON DECEMBER 30, 2022

ENTERED
Office of Proceedings
December 29, 2022
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36609

FOSTER POULTRY FARMS – *EX PARTE* PETITION
FOR EMERGENCY SERVICE ORDER

***EX PARTE* PETITION FOR SECOND EMERGENCY SERVICE ORDER**

Foster Poultry Farms (“Foster Farms”)¹, with headquarters in Livingston, California, hereby submits this request to the Surface Transportation Board (“Board” or “STB”) to issue on an *ex parte* basis – by 5:00 PM EST on December 30, 2022 – a second emergency service order (“ESO”) pursuant to 49 C.F.R. §1117.1 and the authority granted to the Board by 49 U.S.C. §11123(b)(1) to “act on application² without regard to subchapter II of chapter 5 of title 5.” On June 17, 2022 the Board issued its first ESO in this proceeding following several months of persistent failures on the part of UP to deliver unit trains of corn to Foster Farms’ facilities in

¹ The first *Ex Parte* Petition for Emergency Service Order filed in this docket contains an extensive discussion about Foster Farms, its operations, and rail requirements as well as a summary of the Board’s legal authority to issue emergency service orders in these circumstances. As such, those discussions will not be repeated here but rather they are instead incorporated by reference.

² While §11123(b)(1) refers to an “application” the Board has more recently referred to “petitions” for emergency service orders pursuant to §11123(b)(1) and so that term is used here. See EP 762, *Revisions to Regulations for Expedited Relief in Service Emergencies* (served April 22, 2022) at 3 (“The Board may act on its own initiative or pursuant to a petition, and emergency service may be ordered summarily (i.e., without regard to the Administrative Procedure Act)” *Id.* § 11123(b)(1)).

Turlock and Traver, California. That ESO directed UP to take certain steps designed to restock the supplies of feed corn at Foster Farms facilities, including moving an additional trainset into service for Foster Farms and prioritizing (1) movement of the additional train; (2) crews needed for Foster Farms service; and (3) locomotives to be used for Foster Farms service. The Board also directed UP to provide daily data specific to Foster Farms' service as well as participate in weekly technical conferences with Board staff and Foster Farms.

The first ESO produced its intended result, as the stocks of Foster Farms Traver, Turlock and Delhi facilities were replenished within several weeks. Consequently, by Decision served July 20, 2022, the Board declined Foster Farms' motion to extend the first ESO an additional 90 days. However, the Board acknowledged that UP's service woes to Foster Farms could return, primarily because of uncertainty over the inability of UP to employ sufficient numbers of train crews and other human resources in its operations. Specifically, the Board elected to hold this docket open for six months, stating "[n]evertheless, the Board acknowledges Foster Farms' concerns about a possible recurrence of service problems and the uncertainty of whether UP has sufficient crews to continue to provide its current level of service. Therefore, this docket will remain open for six months. In the absence of any further Board order, the docket will automatically close six months from the service date of this decision."³ A further Board order is now needed.

I. FACTUAL BACKGROUND⁴

Beginning in October 2022, weeks before the recent winter storms in the Western United States, UP's service problems returned. In the month of November, only eight deliveries of unit

³ July 20 Decision at 2.

⁴ The factual assertions made in this filing are verified by Mr. Phil Greene, Vice President of Foster Farms (see attached Verification).

trains of Foster Farms were delivered and unloaded at Foster Farms' facilities. Foster Farms acquired an additional train from another rail shipper to counter UP's service slow down. UP also delivered another train that was billed in October but did not arrive until November. For the entire month of November UP managed only 7 complete cycles on Foster Farms' four trainsets, for an average of 1.75 turns per train per month versus a planned 2.5 turns each unit.⁵ The lack of sufficient deliveries of unit trains in October and November resulted in feed stocks dwindling to critically low levels. Foster Farms informed UP in November that its service was slipping, and Foster Farms was having to supplement the lack of UP deliveries with (1) corn shipped on BNSF Railway ("BNSF") and transloaded onto trucks at locations within driving distance to Foster Farms' facilities, and (2) with the purchase of extra unit trains on the secondary market.

The impact of UP's service failures in November on corn supplies was compounded by the service disaster that has occurred in December. Foster Farms received only three loaded trains from UP between December 1 and December 13, resulting in inventory levels continuing to dwindle. On December 12 Foster Farms informed UP executives on a business phone call that the railroad's service had slipped significantly. Foster Farms also advised the UP that it had four empty Foster Farms unit trains sitting empty and in need of movement to prevent problems later in the month. On December 14 Foster Farms informed UP and the STB's Office of Public Affairs, Governmental Assistance and Compliance ("OPAGAC") that Foster Farms was stopping outside sales to dairy cattle and chicken producers, and that all three of Foster Farms' facilities would run out of feed in the week prior to Christmas.⁶ Foster Farms also asked UP to permit BNSF to provide temporary service to Foster Farms via the railroads' interchanges in Fresno or Stockton,

⁵ As explained in the first *Ex Parte* Petition, the huge minimum weekly consumption levels of the livestock supplied by Foster Farms mandates the delivery of a minimum of nine loaded unit trains per month, which is typically 2.25 trains per week. *Ex Parte* Petition at 4.

⁶ See Attachment 1.

in order to avoid the cost and burdens of the hundreds of trucks Foster Farms was then utilizing to truck corn transloaded at BNSF-served locations.⁷ UP responded by first, asking if Foster Farms had a specific train in mind, but when Foster Farms indicated it would to secure a BNSF train, UP said it would handle Foster Farms' needs.

Despite the high level of urgency, UP was unable to deliver any additional unit trains utilized for Foster Farms' service until December 22, when it delivered one. Although there were now five additional trains in the pipeline (Foster Farms having incurred the cost of additional unit trains), none of these trains had been delivered loaded to any of Foster Farms' facilities as of the date of this filing.⁸

On December 26, 2022 dairy cattle supplied by Foster Farms had been without feed for 10 days at its Turlock milling operations, impacting hundreds of customers overseeing thousands of cattle. On December 29, 2022 Foster Farms shut down all feed corn processing at its larger Traver facility, which cut off the feed supply to the rest of its approximately 400 dairy cattle customers, overseeing approximately 800,000 head of cattle. By early January, Foster Farms will be unable to feed any of the 40 to 50 million chickens it owns and/or supplies feed to in California. These chickens supply a major amount of the West coast premium poultry products to Foster Farms' United States consumers.

Foster Farms has taken numerous measures to try to mitigate the harm being caused by UP's service failures. These have included purchasing 240 truckloads of corn from local growers, purchasing a unit train of corn that were shipped by BNSF and then transloaded onto 400 trucks, and purchasing four additional trains of corn in late November and early December from other UP shippers in the secondary market. Foster Farms has also lost millions of dollars in sales to its

⁷ *Id.* at 1.

⁸ See Emails between Foster Farms and UP attached as Attachment 2.

customers and other livestock owners and processors. Foster Farms expects to be fully reimbursed by UP for all of the costs it has incurred to try to mitigate the severe harms that have been caused by UP's service failures.

In summary, the immediate issuance of a second ESO is necessary in this proceeding to counter the substantial, measurable deterioration of rail service to Foster Farms' facilities located in Traver, Delhi, and Turlock, California by UP which started in November. UP has again reached the point where its operating plans and priorities cannot provide the service required at the Traver, Turlock and Delhi facilities, and Foster Farms has nearly run out of options for substituting the corn that should be delivered by UP by railroad with corn delivered by trucks. The point has again been reached where hundreds of thousands of dairy cattle are not being fed, and when millions of chickens will starve to death because of UP's service failures.

Consequently, this Petition for a second ESO clearly establishes that UP's current allocation of crews and locomotives, and its decisions concerning what traffic moves on its system and when, has again prevented UP from transporting Foster Farms' unit trains in a manner than properly serves Foster Farms. As before when the first ESO was issued, because the commodity UP delivers to Foster Farms is corn that is exclusively used to feed hundreds of thousands of cattle and millions of chickens which are raised for the purpose of providing food supplies, the failure of UP to properly serve Foster Farm's facilities translates into a much greater failure to properly serve the public as a whole.

II. REQUEST FOR RELIEF

Based on the facts and reasons set forth above, ample evidence exists for the Board to again immediately issue an ESO, pursuant to §11123(b)(1), §11123(a)(1) and §11123(c)(4)(A),

directing UP, for a period of at least thirty (30) days, to direct the handling, routing and movement of Foster Farms' unit trains over UP's system, and to give preference and priority to the movement of unit trains of corn tendered to UP by or on behalf of Foster Farms from origins in the Midwestern United States to Foster Farms' facilities in Traver, Turlock, and Delhi California. Foster Farms asks the Board to grant this *Ex Parte* Petition and immediately issue an ESO on or before 5:00 EST on December 30, 2022 directing UP to take the following actions concerning the transportation of Foster Farms' unit trains of corn to its Traver, Turlock and Delhi facilities for at least 30 days from the date of the order:

- A. Prioritize the assignment of crews to Foster Farms' unit trains at loading origins.
- B. Prioritize the transportation of Foster Farms' unit trains on UP's system with the goal of minimizing the extent to which the crews on such trains "time out" under the Hours of Service rules, thereby enabling the train to complete its movement from origin to destination without stopping, the crew departing, and then waiting for a new crew.
- C. Assign and retain sufficient locomotives to Foster Farms' trains at loading origins to ensure that once a Foster Farms' train is loaded there is sufficient locomotive power for the unit train to immediately begin its trip to Foster Farms' Traver, Turlock and Delhi facilities.
- D. Direct UP to provide the Board with daily status reports over the 30-day period regarding the delivery of Foster Farms' trains, such reporting to include the number of trains and cars billed to Foster Farms' Traver, Turlock, and Delhi facilities, and actual performance versus trip plan data for these shipments.

Finally, if UP should fail or refuse to comply with the Board's directives in an Emergency Service Order issued in response to this *Ex Parte* Petition, the Board should impose the maximum monetary civil penalties permitted under 49 C.F.R. §1022, and any penalty should be assessed on a per car basis, such that UP's failure to comply with the Board's directive as to a 100-car unit train shall equal the maximum penalty permitted under the Board's rules times 100.

Respectfully submitted,

A handwritten signature in blue ink that reads "Thomas W. Wilcox". The signature is written in a cursive, flowing style.

Thomas W. Wilcox

Law Office of Thomas W. Wilcox, LLC

1629 K. Street NW, Suite 300

Washington, D.C. 20006

202-508-1065

tom@twilcoxlaw.com

Attorney for Foster Poultry Farms

December 29, 2022

ATTACHMENT 1

Dan,

The Gibbon train has not started moving, so best case is 4 days out from what we can tell. The others are not loaded nor have they arrived at origin to load. So to us they look like end of month best case.

We would respectfully request you allow us the opportunity to switch a BN train in Fresno and perhaps Stockton. This would avoid the hundreds of trucks we are having to put on the highways to truck BN corn to our facilities while you are facing the current situation of being unable to deliver and perform.

Ryan and JJ just adding you to this email.

I am being told by our Matt Barr that one of our empties moved some/a little last night. Nothing else. We have seen almost no movement from your trains all week long. As I think you know, we will stop feeding livestock/dairy animals and outside Feed sales starting this afternoon. Until we get more feed out here, corn, from the UP trains they will not be eating anything that we can provide them. This is quite serious as you well know.

We were asking for your expectations on deliveries. Every day now is critical and serious.

Phil Greene
Foster Farms
559 457 6503

From: Dan Hartmann <DPHARTMA@up.com>

Sent: Friday, December 16, 2022 7:43 AM

To: Greene, Phil <phil.greene@fosterfarms.com>; Laura Heisterkamp <lauraheisterkamp@up.com>; Barr, Matt <matt.barr@fosterfarms.com>

Subject: RE: Status update please

EXTERNAL

Phil,

Here is an update on everything in the FF pipeline. The Gibbon train will launch today and make it to California on Sunday. The AG04 will empty at Maricopa then move empty to load back out for FF. All of the sets listed under "Empties" are actively moving except the one in Nevada, which is holding for winter weather. We will continue to watch these closely.

Loads					
GSGBTR-14	CG42	Gibbon, NE	Traver, CA	12/14/2022 18:16	
GSHVMR-10	AG04	Wellsford, KS	Maricopa, AZ	12/10/2022 10:12	12/14/2022 3:52
Empties					
GSTRVL-10	FR11	Strawberry, UT	Savage, MN	12/10/2022 15:00	12/12/2022 13:43
GSTUN1-12	FR12	Hunter, NV	Northfield, MN	12/12/2022 20:45	12/14/2022 20:45
GS3GC2-14 / GS3GPF-16	HS74	Salter, TX	Pickering, IA	12/14/2022 1:28	12/14/2022 11:15
GS4DAN-15	BR04	Valley Jct, TX	Alton, IA	12/15/2022 5:45	12/15/2022 5:45

-Dan

From: Greene, Phil <phil.greene@fosterfarms.com>
Sent: Friday, December 16, 2022 9:03 AM
To: Dan Hartmann <DPHARTMA@up.com>; Laura Heisterkamp <lauraheisterkamp@up.com>; Barr, Matt <matt.barr@fosterfarms.com>
Subject: Status update please

*** PROCEED WITH CAUTION - This email was sent from outside the Company ***

Dan, Laura

When I look at our train line up in your computer system, I can't see that any trains have moved. Can you please update us?

I think you know we went to no offer this last week on the external field sales only for filling, contractual agreements.

On this upcoming, Monday we will stop the sales for dairy cattle feed, until we get more feed into our California UP feed facilities . Right now that looks like a week or two of no feed. This is terrible as you know for all of the dairy cattle here in California.

We wanted to make sure you guys understand the severity of the situation that is continuing to deteriorate.

Please update us with statuses of what to expect so that we can do our best to minimize the potential losses to our California livestock.

Phil Greene
Foster Farms
559 457 6503

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ATTACHMENT 2

From: Greene, Phil <phil.greene@fosterfarms.com>
Sent: Tuesday, December 27, 2022 6:23 PM
To: Dan Hartmann; Adrian Guerrero; Jason Hess; Laura Heisterkamp; Ryan Raess; JJ Sullivan; lfritz@up.com
Cc: Boyce, Randy; Barr, Matt; Myers, Robert; Tom Wilcox
Subject: RE: Update

Union Pacific Team

We met at 2 pm today to evaluate current deteriorating situation.
 We will continue to roll corn at Traver facility tomorrow. After that we will shut down and no longer have corn to feed any cattle in California until you are able to get one or more of our 5 trains 4 of which are loaded and billed.
 When you can provide us with another update it will be appreciated. Your failure to move grain is unacceptable.

Our understanding of the situation here in California is it is approaching a FEED DISASTER.

Below is what we are seeing as of 2:40 pm pacific. It appears to us that the last train is all that has moved today, and it is not due in until Jan 1.

Trains In Process

Commodity :

Inbounds

Outbounds

Arrival (Est/Act)	Train ID	Set	Cars (Alerts)	Current Location
DELHI CA FOSTER FARMS				
12/31 01:12 PT	GSGSDL 27	FR12		Grand Island, NE
KEARNEY/TURLOCK FOSTER FARMS				
12/30 03:58 PT	GSPFTU 26	HS74		Elko, NV
12/31 19:04 PT	GSANTU 21	BR04	103	Alton, IA
TRAVER CA FOSTER FARMS				
12/22 03:29 PT	GSGBTR 20	CG42	99	Traver, CA
12/22 06:16 PT	GSQLTR 20	FR11	109	West St James, MN

Earlier view from UP

From Dan Hartman last Thursday 12/22 5:27 am
Good Morning Phil and Matt,

We got one of the two Iowa trains launched last night. Alton did not launch due to a locomotive failure, we are working on a plan to get a replacement, but weather is not our friend right now. I will be working with our group to solidify a plan on this one this morning. Here are updates on the remaining trains:

GSPFTR 21 departed last night and is moving through Iowa, ETA Traver/Turlock 05:20-26 (Monday Morning)
GSGBTR 20 arrived Traver at 04:30 this morning
GSQLTR 20 is moving through Minnesota, ETA Traver/Turlock 12/26 – Noon (Monday Afternoon)
GSG5DL 23 – I believe it is being loaded at Ord, but will need to confirm

Phil, please call me this morning if you would like to go over this information; I'll send an additional updates out around Noon Central time and then again this evening. Thank you.

Dan



Dan Hartmann

Director Sales
Bulk Group / Agricultural Products

PHONE: 402-544-3387 | MOBILE: 402-216-5041 | EMAIL: dphartma@up.com

CUSTOMER CARE AND SUPPORT: 800-272-8777

E-BUSINESS SUPPORT: 800-872-1045

From Dan Hartman Fri 12/28 2:37pm

Late Afternoon Update:

Weather continues to be a significant factor.

GSPFTR 21 – Departed Fremont, NE at 10AM this morning. Moving through Nebraska. ETA Traver/Turlock PM – 21:30-26
GSQLTR 20 – No change - Held in Minnesota on Worthington Sub, subdivision currently shut down due to weather - ETA Traver/Turlock – late PM 12/27
GSANTU 21 – No change - There is a train on the main which cannot maintain its air blocking the route. There are plans in place to get locomotives added to the train to get the air back and free up the route to call the Alton grain. We will monitor as the day progresses, current ETD is 2000 tonight. ETA Traver/Turlock - PM 12/28
GSG5DL 26 – No change - Doesn't look like Cargill has loaded yet on the NCRC, ETA Pending.

We will check the status early tomorrow morning and send an update.

Thanks,
Dan

Phil Greene

From: Greene, Phil

Sent: Tuesday, December 27, 2022 10:29 AM

To: Dan Hartmann <DPHARTMA@up.com>; Barr, Matt <matt.barr@fosterfarms.com>; Myers, Robert <Robert.Myers@fosterfarms.com>

Cc: Jason Hess <JMHESS@up.com>; Laura Heisterkamp <lauraheisterkamp@up.com>; Ryan Raess <RRAESS@up.com>; JJ Sullivan <JJSULLIVAN@UP.COM>; Boyce, Randy <Randy.Boyce@fosterfarms.com>; Adrian Guerrero <aguerre@up.com>

Subject: RE: Update

Thanks Dan,

Concerned about information accuracy is yours correct or is the STB information correct? We remain shut down at Turlock. We continue to operate at Traver for now and are directing critical needs customers to Traver or to others if they can assist, which is a problem for all.

The STB told us this morning different information than your 9:26 update, where is the Elko train they say we receive tomorrow? They did not have GSPFTU 26 in their line up. They show **GSVLTR-20 (FR11)** Moving; Current ETA Traver, CA 14:26-30th, you do not show this.

STB note is below:

- **GSVLTR-20 (FR11)** Moving; Current ETA Traver, CA 14:26-30th
- **GSANTU-21 (BR04)** Holding at Alton, IA; Planning to move today
- **GSPFTR-21 (HS74)** Moving; Change name to GSPFTU-26 at Elko, NV; Current ETA Kearney, CA 19:58-28th
- **GSG5DL-27 (FR12)** Released 21:57-26th on NCRC; Working on a plan to provide power to the train.

Please update and advise.

Soymeal is less critical today but concerning.

We understand from MN soy they will be shutting down as they can not get cars to move on the manifest program? We are checking with CHS since we have cars ordered from them as well. We bought additional from AGP so hope this moves and buys us a few days.

Phil

From: Dan Hartmann <DPHARTMA@up.com>

Sent: Tuesday, December 27, 2022 9:26 AM

To: Greene, Phil <phil.greene@fosterfarms.com>; Barr, Matt <matt.barr@fosterfarms.com>

Cc: Jason Hess <JMHESS@up.com>; Laura Heisterkamp <lauraheisterkamp@up.com>; Ryan Raess <RRAESS@up.com>; JJ Sullivan <JJSULLIVAN@UP.COM>

Subject: FW: Update

EXTERNAL

Phil,

Here is today's update. I'm still waiting on more information regarding the Savage and Alton trains. They are still holding as of this email.

GSPFTU 26 – Moving, ETA Turlock 03:00-29

GSG5DL 27 – Waiting to receive from NCRC

I'll let you know if anything changes on the Alton/Savage trains later this afternoon.

Dan

From: Dan Hartmann

Sent: Monday, December 26, 2022 1:23 PM

To: Greene, Phil <phil.greene@fosterfarms.com>; Barr, Matt <matt.barr@fosterfarms.com>

Cc: Laura Heisterkamp <lauraheisterkamp@up.com>; Ryan Raess <RRAESS@up.com>; JJ Sullivan <JJSULLIVAN@UP.COM>; Jason Hess <JMHESS@up.com>; Kenny Rocker <KROCKER@up.com>; Tom Wilcox <tom@twilcoxlaw.com>; Boyce, Randy <Randy.Boyce@fosterfarms.com>; Lance Fritz <lfritz@up.com>; Myers, Robert <Robert.Myers@fosterfarms.com>; Smith, Donnie <Donnie.Smith@fosterfarms.com>; Mcgee, Drew K. <Drew.Mcgee@fosterfarms.com>

Subject: RE: Update

Phil,

I confirmed with our Operating team that the plan is to run both the Alton and Savage trains tomorrow morning. The line North of Sioux City, IA has been crippled by severe cold and snow accumulation. We continue to work on getting that line reopened with the expectation that it will reopen today/tonight. Once we open up the subdivision, we will run North with a few trains and then South with these two. I will continue to provide daily updates.

Thank you,

Dan

From: Greene, Phil <phil.greene@fosterfarms.com>

Sent: Monday, December 26, 2022 10:04 AM

To: Dan Hartmann <DPHARTMA@up.com>; Barr, Matt <matt.barr@fosterfarms.com>

Cc: Laura Heisterkamp <lauraheisterkamp@up.com>; Ryan Raess <RRAESS@up.com>; JJ Sullivan <JJSULLIVAN@UP.COM>; Jason Hess <JMHESS@up.com>; Kenny Rocker <KROCKER@up.com>; Tom Wilcox <tom@twilcoxlaw.com>; Boyce, Randy <Randy.Boyce@fosterfarms.com>; Lance Fritz <lfritz@up.com>; Myers, Robert <Robert.Myers@fosterfarms.com>; Smith, Donnie <Donnie.Smith@fosterfarms.com>; Mcgee, Drew K. <Drew.Mcgee@fosterfarms.com>

Subject: Re: Update

*** PROCEED WITH CAUTION - This email was sent from outside the Company ***

UP team

This is Very troubling. As you know we continue to not feed cattle out of Turlock and cannot start until a train arrives. Appears the Rest of our operations run out of UP corn this week. Last week you delivered one of six trains ordered and bought for end of year needs.

Later this week will be a California winter storm. Assume you know this and have that to in your plans.

With your disappointing news, we will stop rolling corn at Traver.

These great problems started in November and continue to deteriorate.

We need you to move feed to California operations immediately.

Please provide your plan.

Phil Greene
Foster Farms
559 457 6503

From: Dan Hartmann <DPHARTMA@up.com>
Sent: Monday, December 26, 2022 6:58 AM
To: Barr, Matt <matt.barr@fosterfarms.com>; Greene, Phil <phil.greene@fosterfarms.com>
Cc: Laura Heisterkamp <lauraheisterkamp@up.com>; Ryan Raess <RRAESS@up.com>; JJ Sullivan <JJSULLIVAN@UP.COM>
Subject: RE: Update

EXTERNAL

Matt,

Conditions on the Railroad are not good. We are working to get trains moving, but it's going to take a while. That said, the team understands we need to get your critical trains moving. I hope to have more details on Alton and Savage soon. Here is where we are now:

GSPFTR 21 – Holding for crew rest in Granger, WY – Estimated departure 23:30 tonight. Will divert to Turlock. ETA Turlock – 20:00-28
GSVLTR 20 – No change - Held in Minnesota on Worthington Sub, subdivision currently shut down due to weather - ETA Traver/Turlock – 14:00-30
GSANTU 21 – No change - Number 1 priority to launch, Still needs one locomotive. Working on a plan. ETA Traver/Turlock – 07:00-30
GSG5DL 26 – No change – Cargill planning on loading this train Monday 12/26

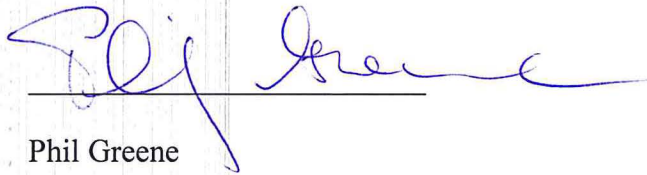
Based on this information, can you update me on the critical run out dates for each mill?

Dan

VERIFICATION

I, Phil Greene, Vice President of Foster Poultry Farms, declare under penalty of perjury that the facts set forth in the foregoing *Ex Parte* Petition for Second Emergency Service Order are true and correct. Further, I certify that I am qualified and authorized to execute this verification on behalf of Foster Poultry Farms.

Executed: December 29, 2022



Phil Greene

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December 2022, I served a copy of the foregoing *Ex Parte* Petition for Second Emergency Service Order by electronic mail upon the following counsel for Union Pacific Railroad Company, as follows:

Craig Richardson
Tonya W. Conley
1400 Douglas Street
Omaha, NE 68179
cvrichar@up.com

Michael Rosenthal
Covington Burling
mrosenthal@cov.com