

## **SURFACE TRANSPORTATION BOARD SCHEDULES OCT. 25 ORAL ARGUMENT**

The Surface Transportation Board will hear an oral argument on Tuesday, October 25, 2011 at its Washington, D.C. headquarters.

Ag Processing Inc A Cooperative (Ag Processing) filed a petition for a declaratory order challenging the reasonableness of a Norfolk Southern Railway Company (NSR) tariff. Later, Bunge North America, Inc., Archer Daniels Midland Company, Louis Dreyfus Corporation, and Perdue Agribusiness, Inc., joined the petition. At issue is the tariff's imposition of charges and penalties on loaded rail cars that exceed an individual car's weight limit because of weather conditions encountered after the cars are delivered to NSR. At the petitioners' request, the Board ordered the parties to mediate the dispute, but mediation was unsuccessful and NSR filed a motion asking the Board to dismiss the petition. The case is entitled [Ag Processing Inc A Cooperative—Petition for Declaratory Order, Docket No. FD 35387](#).

Each side in this case will have 20 minutes to argue its position and to respond to questions from Board Members, similar to proceedings in federal appellate courts. The oral argument is scheduled to begin at 9:30 a.m. in the hearing room at STB headquarters, 395 E Street, S.W., in Washington, D.C. Though the proceedings are open to the public, only counsel for the parties to the case will be permitted to speak. Photo identification is necessary to enter the building.

A live video broadcast of the oral argument will be available via the Board's website, at [www.stb.dot.gov](http://www.stb.dot.gov), under "Information Center/Webcast/Live Video" on the home page.

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