

**SURFACE TRANSPORTATION BOARD TO HOLD ORAL ARGUMENT ON COMPETITION
FOR SHIPPER FOLLOWING "UP-SP" MERGER**

The Surface Transportation Board has scheduled an oral argument for Tuesday, January 15, 2013, at the Board's Washington, D.C. headquarters. The argument will address a claim arising out of the Union Pacific-Southern Pacific merger settlement agreement between BNSF Railway Company (BNSF) and Union Pacific Railroad Company (UP), in [Docket No. FD 32760](#).

BNSF and G3 Enterprises (G3) seek competitive rail access via reciprocal switching at G3's Modesto, Calif., facility under the terms of the settlement agreement. BNSF and G3 argue that UP must adhere to representations made to the Modesto and Empire Traction Company (MET), a Class III railroad, in a December 13, 1995 letter in which UP stated that it had no intention of diminishing the current switching district of Modesto, Calif. BNSF and G3 further argue that UP's actions are anticompetitive as they have eliminated all competitive service alternatives from the G3 facility. UP argues that BNSF and G3 are not entitled to relief because, when G3 purchased its facility in 2001, after implementation of the merger, it was served only by UP and was not open to reciprocal switching. Board Members will hear presentations on behalf of BNSF, G3 Enterprises (G3), and UP. MET is invited but not required to participate.

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, Patriots Plaza I Bldg., 395 E Street, S.W., in Washington. 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, under "Information Center/Webcast/Live Video" on the home page.

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