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SEC

SERVICE DATE – LATE RELEASE APRIL 25, 2006

## SURFACE TRANSPORTATION BOARD

### DECISION

STB Ex Parte No. 661

### RAIL FUEL SURCHARGES

Decided: April 25, 2006

The Board will hold a public hearing to provide interested persons an opportunity to express their views on the subject of fuel surcharges collected by railroads on Thursday, May 11, 2006, in the 7<sup>th</sup> floor hearing room at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, D.C. The hearing will consist of a morning session beginning at 9:00 a.m., and an afternoon session beginning at 1:00 p.m.

The Board announced the hearing by notice served on March 14, 2006, and established due dates for persons wishing to speak at the hearing to advise the Board of their intent to participate and request a time allotment, and for submission of written testimony. Based on those submissions, the Board is issuing this decision to set the schedule of speakers for the hearing.

The schedule of appearances and the time provided for each party appear in the Appendix to this decision. The Board will have read the written submissions in advance of the hearing. Witnesses should not read their written submissions at the hearing, but instead should briefly summarize their key points.

If a party wishes to enhance its presentation by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the hearing room's projection system on May 10, 2006, from 2 p.m. to 4 p.m. Please call (202) 565-1664 to make arrangements.

#### Instructions for Attendance at Hearing

The Board requests that all persons attending the hearing use the Mercury Building's main entrance at 1925 K Street (on the northeast corner of the intersection of 20th and K Streets). There will be no reserved seating. Please plan to arrive early enough to be seated no later than 8:45 a.m. for the morning session, and no later than 12:45 p.m. for the afternoon session. For security reasons, all persons should be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, and any other bags. Visitors must be cleared through security in the Board's Suite 100 (on the 1st Floor, at the top of the ramp to the left of the main lobby) prior to being escorted to the hearing room.

Quiet laptops and tape recorders may be brought into the hearing room, but absolutely no provision will be made for the connection of personal computers to Board telephone lines. Cellular telephone use is not permitted in the hearing room, or in the rear anteroom. Cellular phones may only be used outside the hearing room.

The Board's hearing room complies with the Americans With Disabilities Act, and persons needing such accommodations should contact Beverly Ledbetter in the Board's Office of Proceedings at (202) 565-1664, by the close of business on May 4, 2006.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Time for the hearing is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

**APPENDIX**  
**SCHEDULE OF APPEARANCES**

**May 11, 2006**

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I: Government</b>	
State of Montana The Honorable Brian Schweitzer, Governor	20 minutes
<b>Panel II A: Shippers</b>	
Wheat & Barley Commissions Terry C. Whiteside	10 minutes
North Dakota Grain Dealers Association Steven D. Strege	10 minutes
National Grain & Feed Association Kendell Keith	10 minutes
The Fertilizer Institute Judy Gillies	10 minutes
Transportation, Elevator, and Grain Merchants Association Eric Wilkey	5 minutes
Ag Processing Terry J. Voss	5 minutes
<b>Panel II B: Shippers</b>	
Alliance of Automobile Manufacturers/Daimler Chrysler George H. Telfer	10 minutes
Ameren Energy Fuels and Services Co. Robert K. Ness and Jay Roman	10 minutes
Western Coal Traffic League Thomas D. Crowley and Peter A. Pfohl	10 minutes

Entergy Corporation 10 minutes  
 Bill Mohl

The AES Corporation 10 minutes  
 Thomas W. Wilcox

**Panel II C: Shippers**

Concerned Captive Coal Shippers 10 minutes  
 James N. Heller and C. Michael Loftus

Total Petrochemicals USA, Inc. 10 minutes  
 Stephen J. Pocsik and Michael F. McBride

Arkansas Electric Cooperative Corp. 10 minutes  
 Steve Sharp

Degussa Corporation 10 minutes  
 Diane Elhakim

Potlatch Forest Product Corp. 10 minutes  
 David A. Weisel

Griffin Industries 10 minutes  
 James L. Conway

Graniterock 5 minutes  
 Daniel V. Slavin

**Panel III: Trade Associations**

The National Industrial Transportation League 10 minutes  
 Curt Warfel and John Ficker

American Chemistry Council 10 minutes  
 Thomas E. Schick

Edison Electric Institute 10 minutes  
 Charles W. Linderman and Michael F. McBride

**Railroads – (These parties will be called individually, not as a panel.)**

BNSF Railway Company John P. Lanigan	10 minutes
Canadian National Railway Company James M. Foote	10 minutes
Canadian Pacific Railway Company Bob Milloy	10 minutes
CSX Transportation, Inc. Christopher P. Jenkins	10 minutes
Norfolk Southern Railway Company Donald W. Seale	10 minutes
Union Pacific Railroad Company Robert M. Knight, Jr.	10 minutes
Oil Creek and Titusville Lines Robert O. Dingman, Jr.	5 minutes

**Panel IV: Consultants**

Escalation Consultants, Inc. Jay Roman	10 minutes
Snively King Majoros O'Connor & Lee, Inc. Tom O'Connor	10 minutes
Transportation Economics, Inc. Mazhar Ali Awan	10 minutes
Highroad Consulting, Ltd. Sandra J. Dearden	5 minutes
Freight Resources Network, LLC Michael R. Behe	5 minutes