

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Ex. Parte No. 752

248988

**Association of American Railroads—
Petition for Rulemaking**

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November 12, 2019
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Motion to Modify Procedural Schedule

The American Chemistry Council (“ACC”)) hereby submits this Motion to Modify Procedural Schedule in the above-captioned proceeding. In a decision served on November 4, 2019, the Surface Transportation Board (“Board”) has solicited information “[t]o assist the Board’s evaluation of whether and how particular cost-benefit analysis approaches might be more formally integrated into its rulemaking process....” Decision at 2. The Board established due dates of January 17, 2020 and March 6, 2020 for opening and reply comments, respectively. ACC requests that the Board extend those dates by two weeks such that opening comments would be due on January 31, 2020 and reply comments on March 20, 2020.

In support of this motion, ACC observes that the January 17 due date for opening comments is just one week after the reply comment due dates in both Docket Nos. EP 755 and 756, which propose major reforms to the rules and procedures governing rate reasonableness cases that are of significant interest to nearly all industry stakeholders. Those reply comments, in turn, follow close on the heels of the Christmas and New Years’ holidays during which it is difficult to coordinate with clients and consultants because most people are away from work for an extended period and often at different times. The holiday period begins less than two weeks after the Board holds a major public hearing on revenue adequacy in EP 761 (Dec. 12th) and

reply comments are due in Docket Nos. EP 757, 759 and 760 (Dec. 6th). The latter three dockets propose rules and a policy statement that are outgrowths of the Board's two-day public hearing on demurrage charges last May, which attracted significant interest from all stakeholder groups. ACC is an active participant in nearly all of these dockets. In addition, ACC is the petitioner in Docket No. EP 724 (Sub-No. 5), for which opening and reply comments are due on December 6, 2019 and January 6, 2020, respectively.

The information the Board has solicited in this proceeding is detailed and highly technical. Moreover, it both requires and merits significant attention. The time provided by the Board for preparing opening comments, however, overlaps with the foregoing proceedings and holidays for all but the very last week. This contest for time and resources threatens the ability of stakeholders to prepare thorough and thoughtful responses to the Board's information requests.¹ Therefore, ACC respectfully requests that the Board grant this Motion for a modest two-week extension to the procedural schedule.

Respectfully submitted,



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¹ The confluence of so many important proceedings in such a compact period is, on its own, good reason to grant this Motion. In addition, ACC's counsel will be travelling internationally from January 6-16, on a trip planned over six months ago, further compressing the time available for ACC to address all of these matters.

Certificate of Service

I certify that on November 12, 2019, I served copies of this document upon the following parties of record in this proceeding, by e-mail or regular mail.



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