

300637

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

ENTERED
Office of Proceedings
May 19, 2020
Part of
Public Record
May 19, 2020

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

BY E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

Re: *Bessemer and Lake Erie Railroad Company – Acquisition and Operation – Certain Rail Lines of CSX Transportation, Inc. in Onondaga, Oswego, Jefferson, Saint Lawrence, and Franklin Counties, New York (Docket No. FD 36347)*

Dear Ms. Brown:

Finger Lakes Railway Corp. (“FGLK”) hereby responds to the letter filed yesterday by Bessemer and Lake Erie Railroad Company and CSX Transportation, Inc. requesting an additional extension of time to May 26, 2020 for their filing of a proposed alternative to address the Board’s concerns with section 5.14(b). The request did not seek extension to the deadline for petitions for reconsideration (which currently is May 28, 2020, just two days after the proposed extended deadline), requests for stay (currently June 4, 2020), or the effective date of Decision No. 4 (currently June 12, 2020).

As FGLK indicated in response to the Applicants previous extension request, FGLK believes that it, and other parties, would be prejudiced if they are not given sufficient time to review and evaluate the Applicants’ proposed alternative (or their failure to file a proposed alternative) before determining whether to seek reconsideration. Similarly, the Board should be given sufficient time to review and evaluate whether any alternative that is proposed adequately addresses the Board’s concerns that shippers on the relevant lines not be “shut out of future potential competitive options.”

Accordingly, FGLK does not object to the proposed extension for submitting changes to May 26, 2020, provided that the due date for petitions for reconsideration is further extended for

a like period of time until June 5, 2020, requests for stay is extended until June 12, 2020, and the effective date of Decision No. 4 is extended until June 20, 2020.

Respectfully,

A handwritten signature in blue ink, appearing to read "Justin J. Marks". The signature is fluid and cursive, with the first name "Justin" and last name "Marks" clearly distinguishable.

Justin J. Marks
Eric M. Hocky
Counsel for Finger Lakes Railway Corp.

cc: All parties of record