

EXPEDITED CONSIDERATION REQUESTED

January 6, 2021

301418

Via Electronic Filing

Ms. Allison C. Davis
Director, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
January 6, 2021
Part of
Public Record

Re: Docket No. FD 35068, *Soo Line Railroad Company d/b/a Canadian Pacific Railway – Acquisition and Operation Exemption – BNSF Railway Company*

Dear Ms. Davis:

Soo Line Railroad Company d/b/a Canadian Pacific (“CP”) writes to request an extension of time for parties to the above referenced litigation to submit any petition for reconsideration and/or petition for stay of the Board’s December 29, 2020 decision (the “Reopening Decision”) in the above referenced proceeding.

The Reopening Decision orders the proceeding reopened and further orders CP and BNSF to engage in negotiations and “submit a proposal to fulfill the findings in 2007 Decision by March 1, 2021, for review.” Slip op. at 7. In light of the Reopening Decision, BNSF and CP have been in contact to move the contemplated negotiation discussions forward. In the meantime, under 49 CFR § 1115.3 petitions for stay are due on January 8, 2021 and petitions for reconsideration are due on January 19, 2021.

There is good cause for extending these deadlines. If CP and BNSF are able to reach agreement on a proposal, the filing of petitions for stay and for reconsideration may be unnecessary. Accordingly, in order to avoid wasting both the Board’s and the parties’ resources on potentially unnecessary petitions, CP respectfully requests an extension of time to February 8, 2021 in which to file both any petition for stay or for reconsideration of the Reopening Decision. Granting this extension will allow all parties to engage in an effort to satisfy the Board’s Reopening Decision without prejudice to any rights to seek reconsideration.

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BNSF supports this Petition for Extension of Time. Counsel for New Century Ag (“NCA”) advised the undersigned that NCA does not object to this Petition for Extension of Time. CP respectfully requests expedited consideration.

Sincerely,

Stinson LLP

/s/ David F. Rifkind

David F. Rifkind

cc: Edward D. Greenberg, Esq. (egreenberg@gkglaw.com), *counsel for NCA*
Thomas W. Wilcox, Esq. (twilcox@gkglaw.com), *counsel for NCA*
Kristine O. Little, Esq. (klittle@gkglaw.com), *counsel for NCA*
Peter W. Denton, Esq. (pdenton@steptoe.com), *counsel for BNSF*
Adrian Steel, Esq. (asteel@mayerbrown.com), *counsel for BNSF*