

ENTERED
Office of Proceedings
October 18, 2022
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

OMAHA PUBLIC POWER DISTRICT,

Complainant,

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.



GRANTED

Office of
Proceedings

DECISION ID NO.: 51465
DECIDED DATE: 10/21/2022
SERVED DATE: 10/21/2022
APPROVED: *MacNeil* Director
All other deadlines set forth in 49 C.F.R. § 1111.9(a) remain unchanged.
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Docket No. NOR 42173

UNOPPOSED MOTION FOR EXTENSION OF TIME

Complainant Omaha Public Power District (“OPPD”), with the concurrence of Defendant Union Pacific Railroad Company (“UP”), hereby submits this Motion to briefly extend (1) the deadline for replying to the Motion to Dismiss and Renewed Motion for a Protective Order filed by UP on October 11, 2022, and (2) the current deadline for the completion of discovery in this proceeding.

OPPD asserts that good cause exists to extend the deadline to reply to UP’s motions from October 31, 2022 to November 14, 2022 primarily because UP filed its two motions simultaneously, requiring OPPD to devote time and resources to respond to both motions in the same 20-day period set by the Surface Transportation Board’s (“Board”) rules. OPPD also submits that travel and other commitments of its counsel during the remainder of the month of October also warrant a brief extension of the time to reply. In accordance with the Board’s procedural practices, OPPD sought UP’s concurrence with this extension request and the undersigned counsel is authorized to state that UP has no objection to extending the deadline for OPPD to reply to UP’s motions to November 14, 2022.

OPPD counsel is further authorized to state that the parties agree there is also good cause for a brief extension of the current deadline for concluding discovery in this proceeding if the Board denies UP's Renewed Motion for a Protective Order. The current deadline set by 49 C.F.R. §1111.9(a) is December 19, 2022.¹ An extension of that date to January 9, 2023 would avoid the parties having to attempt to complete the discovery phase of this case during the 2022 Holiday Season.

For all the reasons set forth hereinabove, OPPD respectfully requests that the Board grant this Motion.

Respectfully submitted,



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October 18, 2022

¹ 150 days after the filing date of OPPD's Complaint, which was July 22, 2022.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October 2022, I caused a copy of the foregoing document to be served by email on counsel for Defendant Union Pacific Railroad Company.

/ss/ Thomas W. Wilcox
Thomas W. Wilcox