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Expedited Consideration Requested

May 26, 2023

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By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423

Re: Docket No. FD 36695, Petition for Declaratory Order and Injunctive Relief – Rail
Service to Pennsylvania Feed Mills and Other Facilities

Dear Ms. Brown:

This amended letter is filed on behalf of the National Railroad Passenger Corporation (Amtrak) and concerns the Board's order issued on May 18, 2023. The order set a May 30, 2023 deadline for responses to the petition for a declaratory judgment and responses to Kellogg's request for injunctive relief and a directed service order.

Since the Board's order issued on May 18, 2023, Amtrak and the Petitioners have reached a mutually agreeable settlement. Additionally, Amtrak and Kellogg have engaged in discussions by videoconference regarding the potential to reach a mutually agreeable settlement. Those discussions are expected to continue. As Kellogg reported to the Board on May 23, 2023, the track work that will impact its facility has not begun and is not expected to begin until July 25, 2023.

Accordingly, to allow Amtrak and Kellogg additional time to continue discussions, Amtrak requests that the Board extend the date for Amtrak to respond to Kellogg's requests for declaratory and injunctive relief until June 9, 2023. Amtrak has met and conferred with the parties on this extension request, which is opposed by Kellogg and Norfolk Southern. The Petitioners take no position on the request.

Sincerely,

/s/ Jessica Ring Amunson

Jessica Ring Amunson

cc: All counsel of record