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December 6, 2024

VIA ELECTRONIC FILING ONLY

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

ENTERED
Office of Proceedings
December 6, 2024
Part of
Public Record

*Re: Petition for Declaratory Order - Docket No.: FD 36770
Township of Pilesgrove in re SMS Rail Service, Inc.*

Dear Ms. Brown:

As you are aware, the undersigned represents the Township of Pilesgrove in re the Declaratory Proceeding referenced above. Kindly accept this correspondence in follow up to a recent request dated December 5, 2024, by SMS counsel, Robert A. Klein, Esq., for an extension of time as to SMS' submission.

If the Board is inclined to grant the one-week extension to Mr. Klein as to his submission for SMS, the Township of Pilesgrove would request that the Board consider revising the submission date as to the final replies/rebuttals. Due to other work commitments and the upcoming holidays, the Township of Pilesgrove would be adversely impacted by a reduction in time to respond to SMS' submission and had intended to begin its review/response this upcoming week. Therefore, Pilesgrove Township respectfully requests that the final replies and rebuttals be extended by one week making the due date January 14, 2025. Upon speaking with counsel for the Township of Mannington, it is my understanding that he would be agreeable in this request for extension for similar reasons.

It is unclear why SMS suggests that the extension they are requesting due to personal circumstance apply to the submissions of other interested parties. As there is neither any indication that interested parties intend to make a submission nor that additional time is requested for such submissions, the Township of Pilesgrove requests that the Board maintain the same deadline of "by December 9, 2024," as originally set forth in the STB's October 24, 2024, Order, as to any other interested parties.

Thank you for your kind attention and the Board's consideration of the above.

Respectfully,

/s/ Ekaterine N. Eleftheriou

Ekaterine N. Eleftheriou
Attorney for the Township of Pilesgrove

Enclosures

cc: via email to all parties :
Melissa Fackler (Clerk, Township of Pilesgrove)
Robert A. Klein, Esq.
William L. Horner, Esq.
Karin Wood, Esq.

SERVICE LIST:

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CERTIFICATION OF SERVICE

I certify that I have this day served copies of this document upon all parties of record (and as noted above) in this proceeding by e-mail which is consistent with 49 CFR 1104.12(a).

/s/ Ekaterine N. Eleftheriou

Ekaterine N. Eleftheriou

December 6, 2024