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December 6, 2024

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

Via Electronic Filing

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

**Re: Response to Extension Request of SMS Rail Service, Inc.
by Intervenor Mannington Township, County of Salem, New Jersey,
with respect to Petition for Declaratory Order of Township of Pilesgrove,
County of Salem, New Jersey (In re SMS Rail Services, Inc.)
Docket No.: FD 36770**

Dear Ms. Brown:

I represent the Township of Mannington, whose request to intervene in the above declaratory order proceeding was granted in the Board's September 13, 2024 decision. I am in receipt of Mr. Klein's unexpected request for a one-week extension for submission of SMS Rail Service, Inc.'s reply evidence and argument, which is currently due on Monday, December 9, 2024 according to the Board's October 24, 2024 decision.

I am writing to inform you that, given my family obligations during the upcoming holiday season, and other work projects in which I am involved, I would be detrimentally impacted by any reduction in the time currently allowed for Mannington's rebuttal statements following receipt of SMS's reply. In fact, in anticipation of these obligations and projects, I had intended to get started on my review of SMS's submission, and my preparation of Mannington's response, early next week. Based on my discussions with Ekaterine N. Eleftheriou, Esq., the attorney for Petitioner Pilesgrove Township, it is my understanding that she would be similarly impacted.

Accordingly, I ask that, if the Board decides to grant Mr. Klein's one-week extension request, the Board should also extend the submission deadline for Mannington's and Pilesgrove's rebuttal statements from the current date of January 7, 2025, to January 14, 2025.

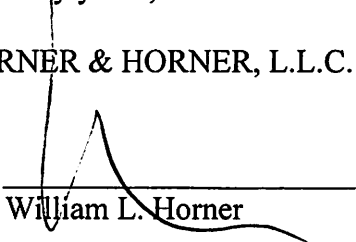
I also question the appropriateness of extending the current December 9, 2024 deadline for submissions by "other interested persons," because Mr. Klein's letter does not indicate that any such submissions are anticipated, or that any other interested persons have made, or have provided

any justification for, an extension request. Accordingly, I request that the current December 9, 2024 deadline for submissions by “other interested persons” should remain unchanged.

I defer to the Board’s judgment as to whether SMS’s current January 7, 2025 deadline for responses to submissions by other interested persons should remain the same, or whether that deadline should also be extended to January 14, 2025 with Mannington’s and Pilesgrove’s rebuttal statements.

Cordially yours,

HORNER & HORNER, L.L.C.

By: 
William L. Horner

WLH:jcc

Cc: Amber Ayars, Acting Clerk (via email only)
Ekaterine N. Eleftheriou, Esq. (via email only)
Robert A. Klein, Esq. (via email only)
Karin M. Wood, Esq. (via email only)

[SEE ATTACHED CERTIFICATE OF FILING AND SERVICE]

CERTIFICATE OF FILING AND SERVICE

I hereby certify that, on December 6, 2024, I am filing Mannington Township's Response to Extension Request of SMS Rail Service, Inc., using the Surface Transportation Board's online filing portal, and that I am causing the following listed parties to be served with copies of same, by email only, at their email addresses as set forth on the following Service List.

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SERVICE LIST (Docket No. FD 36770)

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