

ENTERED
Office of Chief Counsel
August 15, 2025
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 32760 (SUB-NO. 50)

BNSF RAILWAY COMPANY
—PETITION FOR ENFORCEMENT—
INTERCHANGE WITH SAVAGE TOOEELE RAILROAD COMPANY

CONSENT MOTION TO MODIFY PROCEDURAL SCHEDULE

Courtney Estes
Jacob Godard
BNSF Railway Company
2500 Lou Menk Drive
Fort Worth, TX 76131
(817) 352-2383

Peter W. Denton
Jensen Matsuda
Steptoe LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-3000

Alex Wolf
Steptoe LLP
717 Texas Ave., Suite 2800
Houston, TX 77002

Adrian L. Steel, Jr.
Attorney at Law
7720 Timon Dr.
McLean, VA 22102
(202) 468-9008

Attorneys for BNSF Railway Company

Dated: August 15, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 32760 (SUB-NO. 50)

BNSF RAILWAY COMPANY
—PETITION FOR ENFORCEMENT—
INTERCHANGE WITH SAVAGE TOOELE RAILROAD COMPANY

CONSENT MOTION TO MODIFY PROCEDURAL SCHEDULE

BNSF Railway Company (“BNSF”) respectfully requests that the Surface Transportation Board issue an order modifying the procedural schedule in the above-captioned proceeding as follows:

Event	Due Date
Close of discovery	September 25, 2025
BNSF’s opening submission	October 27, 2025
UP’s reply	November 26, 2025
BNSF’s rebuttal	December 24, 2025

BNSF is authorized to state that Union Pacific Railroad Company (“UP”) and Savage Tooele Railroad LLC (“STR”) consent to this request.

On April 28, 2025, the Board issued a decision in this proceeding denying UP’s request to dismiss BNSF’s petition and setting a procedural schedule with discovery closing on August 26, 2025, BNSF’s opening submission due September 25, 2025, UP’s reply due October 27, 2025, and BNSF’s rebuttal due November 24, 2025. Each party has been working diligently to complete discovery but have determined that the current August 26th close of discovery deadline will not allow adequate time to review

produced documents and resolve any related discovery issues. On May 19, 2025, BNSF served its first set of Discovery requests to UP, and on May 27, 2025, BNSF served its first set of discovery requests to STR. On June 2, 2025, UP served its first set of discovery requests to BNSF. All parties have since served responses and objections. Savage made its first production on July 14, 2025, but has indicated that it will be making at least one additional production. On August 13, 2025, UP indicated that it will produce documents on August 15 or August 18, 2025. BNSF will also be ready to produce documents early next week.

Good cause exists to modify the procedural schedule. The parties will require additional time to fully review these productions to determine whether to serve follow up requests. The proposed modified procedural schedule set forth above, to which each party has consented, would allow for additional follow up requests as necessary by extending the close of discovery date by 30 days and extending all other deadlines in the current procedural schedule by the same amount of time. BNSF therefore asks the Board to adopt the modified procedural schedule set forth above to allow the parties sufficient time to complete discovery and prepare substantive filings.

Dated: August 15, 2025

Respectfully submitted,

Courtney B. Estes
Jacob Godard
BNSF Railway Company
2500 Lou Menk Drive
Fort Worth, TX 76131
(817) 352-2383

/s/ Peter W. Denton
Peter W. Denton
Jensen Matsuda
Steptoe LLP
1330 Connecticut Ave., NW
Washington, DC 20036
(202) 429-3000

Alex Wolf
Steptoe LLP
717 Texas Ave., Suite 2800
Houston, TX 77002

Adrian L. Steel, Jr.
Attorney at Law
7720 Timon Dr.
McLean, VA 22102
(202) 468-9008

Counsel for BNSF Railway Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Consent Motion to Modify Procedural Schedule to be served electronically or by first-class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Jensen Matsuda

Jensen Matsuda
Counsel for BNSF Railway Company

August 15, 2025