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July 1, 2026

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VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Chief Counsel
July 1, 2026
Part of
Public Record

Re: Docket No. NOR 42185, *Weskan Grain LLC v. Kansas & Oklahoma Railroad, LLC*

Kansas & Oklahoma Railroad, LLC's Non-Objection to Complainant's Motion for an Extension of Time (with Comment)

To the Chief of Case Administration:

Kansas & Oklahoma Railroad, LLC ("K&O") hereby responds to the Motion for Extension of Time filed by Weskan Grain LLC ("Weskan") yesterday, June 30, 2026. Although disappointed in Weskan's actions preceding the request, K&O does not object to Weskan's request for a 10-day extension, making Weskan's reply to K&O's pending Motion to Reject or Bifurcate (the "Motion") due on July 17, 2026. K&O provides its formal non-objection to facilitate the Board's administrative efficiency, but in so doing, feels compelled to clarify the procedural record regarding the timeline of Weskan's filing and outreach to K&O.

K&O filed its Motion on June 17, 2026. Under the Board's standard 20-day procedural cycle, Weskan's reply would be due on Tuesday, July 7, 2026, as Weskan well knows. For unknown reasons, Weskan waited 13 days—until approximately 2:23 p.m. Eastern Time on Tuesday, June 30—to contact K&O to seek its consent for a 10-day extension. At 3:10 p.m., Weskan forwarded a draft of its motion, and at 5:21 p.m. (or before), Weskan e-filed its extension request with the Board, correctly noting that K&O had not responded by the Weskan-imposed 5:00 p.m. deadline.

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Weskan afforded K&O less than three hours to consider the request, confer internally, and respond. This demand for a near-immediate response was highly impractical given that it occurred during a compressed work week leading into the Independence Day federal holiday, a time when vacation travel and scheduling demands are prevalent for all parties involved.

Furthermore, Weskan's artificial, hours-long deadline precluded the very consultation that would have elicited K&O's non-objection prior to Weskan's filing. Consequently, K&O is compelled to expend time and resources to draft and submit this written response—a burden that due professional courtesy and reasonable notice would have avoided. While it is unclear whether Weskan intended to impose this administrative hardship, the practical effect of its actions is to needlessly consume K&O's and the Board's time.

By inexplicably sitting on its request for nearly two weeks and then filing an unconsented motion late in the afternoon just a few days before a federal holiday, Weskan has subjected the Board and K&O to unnecessary imposition. Because the motion was filed pending K&O's response, the Board could be placed in the difficult position of having only three functional business days to consider and rule upon the request before Weskan's current July 7 deadline depending upon K&O's answer.

But K&O does not wish to see the Board burdened with drafting a formal procedural order on such tight notice to address a forced scheduling issue. By stating its non-objection here, K&O hopes to facilitate a streamlined administrative process, one that we hope will allow the Board's Office of Chief Counsel to summarily approve the extension request (via a "Grant Stamp Order") without the need for a written administrative decision, avoiding duress on the cusp of a federal holiday. Accordingly, although K&O is deeply disappointed by Weskan's conduct, it nevertheless does not object to the requested extension.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish

Valerie O. Quinn

Counsel for Kansas & Oklahoma Railroad, LLC

cc: All parties of record