

 GRANTED	DECISION ID NO.: 53152
	DECIDED DATE: 07/02/2026
	SERVED DATE: 7/02/2026
	APPROVED:  Chief Counsel
	Office of Chief Counsel

BEFORE THE TRANSPORTATION BOARD

Defendant

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Docket No. NOR 42185

MOTION FOR EXTENSION OF TIME

Weskan Grain LLC (“Weskan”) hereby submits this motion for a brief 10-day extension of the date to reply to the Motion to Reject the Complaint or, in the Alternative, for Expedited Determination of Jurisdiction and Bifurcation of the Proceeding (“Motion”) filed by Defendant, Kansas & Oklahoma Railroad, LLC (“K&O”) on June 17, 2026. Weskan submits good cause exists for the requested extension for the following reasons:

1. Weskan filed a Petition for Waiver and a proffered Complaint in this docket on April 17, 2026. The petition seeks a waiver of the Board's regulations at 49 C.F.R. §§1111.1 and 1109.4 for the purpose of accepting for filing a complaint challenging the reasonableness of rates for transportation established by K&O in response to a request from Weskan.
2. The Board has not acted on the Petition, which means the complaint has not been accepted and the procedural schedule for stand-alone cost rate cases in 49 C.F.R. §1111.9 has not begun.
3. On June 17, 2026, K&O filed its 322-page Motion, which asks for a variety of relief

for a variety of reasons, including rejection of the proffered complaint, and bifurcation of the proceeding into market dominance and rate reasonableness phases if the complaint is accepted and docketed. The motion is supported by two lengthy verified statements and various exhibits.

4. The current due date for Weskan's reply to the Motion is July 7, 2026. The 4th of July Holiday weekend has disrupted Weskan's preparation of the reply due to holiday plans and travel commitments of individuals contributing to the reply. Also, the large volume of the reply and its wide-ranging arguments and factual assertions require additional time for Weskan to review and adequately address.

5. Weskan submits there is good cause to waive 49 C.F.R. §1104(b) in these circumstances.

6. Weskan contacted counsel for K&O prior to filing this motion to obtain K&O's consent to the requested extension, but no response was received by 5:00 PM Eastern Time.

Now, therefore, Weskan respectfully requests the Board to grant an extension of the date for Weskan to reply to the Motion to July 17, 2026.

Respectfully submitted,

/ss/ Thomas W. Wilcox
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Attorney for Complainant Weskan Grain LLC

Dated: June 30, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2026, a copy of the foregoing Motion was served by electronic mail on representatives of Kansas & Oklahoma Railroad, LLC.

/ss/ Thomas W. Wilcox
Thomas W. Wilcox