

EXPEDITED ACTION REQUESTED

243956

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket FD 35981

ENTERED
Office of Proceedings
July 14, 2017
Part of
Public Record

PETITION FOR DECLARATORY ORDER – FINCH PAPER LLC

JOINT MOTION TO HOLD PROCEDURAL SCHEDULE IN ABEYANCE

Finch Paper LLC (“Finch”) and Delaware and Hudson Railway Company d/b/a Canadian Pacific (“CP”) hereby file this joint motion to hold the procedural schedule in abeyance as the parties have reached a settlement in principle. In support of their joint request, Finch and CP state as follows:

1. On April 12, 2017, the Acting Director of Proceedings issued an order amending the procedural schedule in this proceeding which set several deadlines, including that Finch file its Supplemental Opening Statement by June 26, 2017, CP file its Supplemental Reply Statement by July 17, 2017, and Finch file its Rebuttal Statement by July 31, 2017.
2. Earlier today, the parties reached a settlement in principle which should resolve the need for further proceedings in this matter. Additional time, however, is required to formally document the parties’ settlement agreement. To avoid incurring additional and unnecessary additional legal expenses, and in light of the upcoming deadlines for the parties to file their additional respective statements, the parties hereby jointly request that the procedural schedule in this proceeding be held in abeyance.

3. The parties intend to jointly advise the Board as to the status of completion of settlement within 30 days from the entry of the Order holding the procedural schedule in abeyance.

WHEREFORE, the parties respectfully request that the Board grant this Joint Motion and issue an Order holding the Procedural Schedule in abeyance.

DELAWARE and HUDSON RAILWAY
COMPANY d/b/a Canadian Pacific

FINCH PAPER LLC

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Dated: July 14, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July 2017, a copy of the foregoing Joint Motion to Hold Procedural Schedule in Abeyance was served by first class mail, postage pre-paid, and by electronic mail on:

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And by first class mail, postage pre-paid, to:

The Honorable H. Peter Young
Federal Energy Regulatory Commission
Office of Administrative Law Judges
888 First Street, N.E.
Washington, DC 20426

/s/ David F. Rifkind
David F. Rifkind